

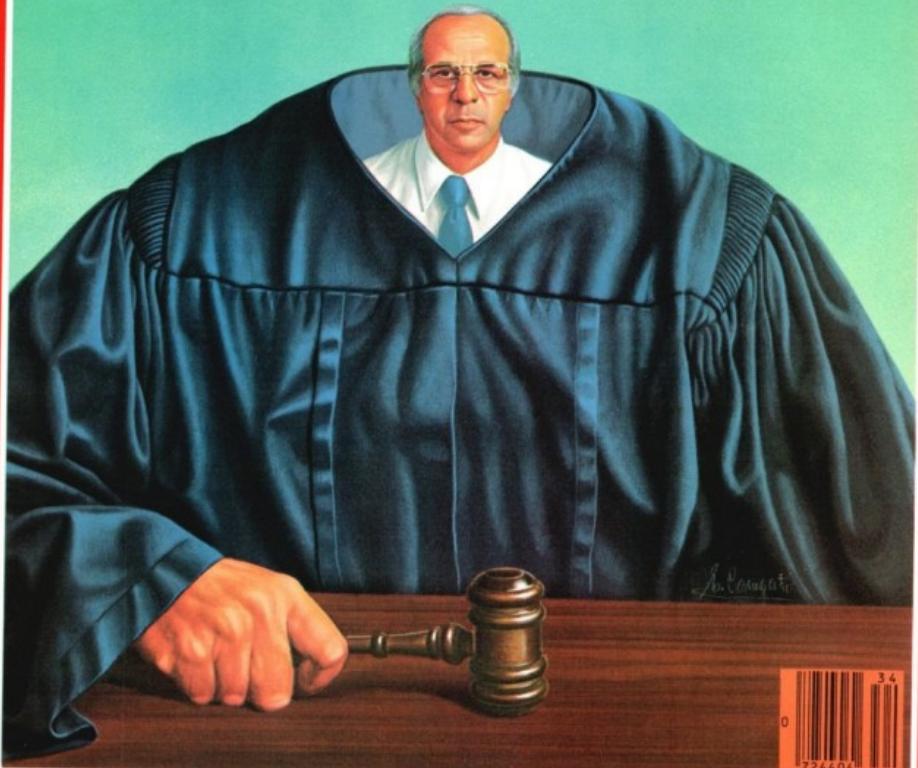
AUGUST 20, 1979

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TIME

Judging the Judges

An Outsize Job — and Getting Bigger



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A Letter from the Publisher

"We may well be on our way to a society overrun by hordes of lawyers, hungry as locusts, and brigades of judges in numbers never before contemplated."

—Chief Justice Warren E. Burger

Last year TIME cited the Chief Justice's grim prediction in a cover story about "Those #★X!!! Lawyers." The cover this week examines the second object of Burger's concern. His Honor's increasingly powerful colleagues on the bench. To assess the rapid expansion of judicial authority in the U.S. and the delays, anachronisms and inefficiencies that plague the nation's courts, TIME correspondents interviewed dozens of lawyers and judges across the country, including the studiously reclusive Chief Justice himself. Reports Washington Correspondent Doug Brew: "Chatting with Burger in a quiet corner of his office while he attentively pours coffee from a silver pot reveals an often overlooked human side of the man. He says he is astonished that there have not been more heart attacks among overworked judges, and his own tired, red-lidded eyes underscore the burdens of Justice in a way that words and papers never could."



Judge Judges Silverman and Thomas

Staff Writer Evan Thomas, who wrote this week's cover story and helped report last year's on lawyers, had his first, rather bizarre encounter with a judge in 1975. As a reporter for the Bergen County, N.J., Record, he was interviewing a group of teen-agers after a gang fight in Little Ferry, N.J., when he was arrested on the highly original charge of "inciting to loiter."

By the time the case came before a judge nine months later, Thomas was ready to mount a powerful and eloquent defense, having completed most of his first year at the University of Virginia law school. "Fortunately," he says, "the judge dismissed my case. But not without proclaiming that 'this doesn't mean the court thinks there is anything noble about the press.'"

Ignoring that wisdom, Thomas came to TIME shortly after receiving his J.D. in 1977, joining Reporter-Researcher Raissa Silverman in the magazine's Law section. This fall Thomas will move to TIME's Washington bureau to cover what Correspondent Brew calls "the most underreported branch of Government—the Judiciary." Says former Defendant Thomas of his new assignment: "The subject is not exactly unfamiliar."

John C. Meyers

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Foreign tourists are flocking to the U.S., and as French visitors discover, "Ça vaut le voyage"—it's worth the trip.

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Letters

Carter's Call

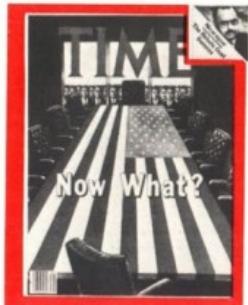
To the Editors:

When President Carter was addressing the nation on the "crisis of confidence," no one suspected how drastically he would increase that commodity in less than 100 hours [July 30]. If only he could do the same for energy!

Roy Adams
Berrien Springs, Mich.

To those of us who believe Carter is a reasonable, honest, intelligent man, with or without the impressive fist clenching, his method was acceptable. To those earnest members of the blame-Carter-for-everything club, nothing he does is acceptable.

Carol Bachelder
Boise, Idaho



One might assume from the cover illustration that Americans have one manner of dress, one national origin, one race and one gender.

Pat Allen
Essex Junction, Vt.

The President cannot be faulted for firing public servants who have proved incompetent or out of touch, and the American people will completely vindicate Mr. Carter in 1980, when they fire him on the same grounds.

Robert Massa
Lancaster, N.H.

Poor Califano: first the smoke, then the fire.

Catherine Hitchcock
Prescott, Ariz.

We cannot rally with enthusiasm around a man beseeching help. A President who lists our faults and weaknesses does not inspire us. We need a clarion call: Come on, America! We've done it before and we can do it again. We can solve our energy problem. Nothing is impossible for 220 million Americans pulling together. We went to the moon; we shall

not let OPEC bring us to our knees! Oh, for a buoyant, confident leader who can make us feel invincible.

Viola Joseph
Weiser, Idaho

"Now what?" you ask, as if no one were even attempting to lead this nation. This President can lead, if Congress, the public and especially the press allow it.

David Grim
Reston, Va.

Ham-Handed Test

Performance appraisals get some undeserved bad publicity. "If Jimmy Took Ham's Test" [July 30], he would have got a valuable insight into his own performance, if he had answered the questions for himself, or a valuable insight into the single opinion of another person, if he had been appraised by someone else.

The fault lies not with Jordan's performance appraisal form, but with his timing and the appearance of heavy-handedness.

Bradford Johnston
American Management Association
Washington, D.C.

I wonder if the White House would send copies of their new staff evaluation forms on request? It would make a terrific parlor game.

Ruth Rosenfeld
Dayton

Farewell, Somoza

Adios, Tacho [July 30]! First it was the Shah who tumbled, then Amin, and now Somoza. Let's give a big cheer for the people of Iran, Uganda and Nicaragua who showed the world how to fight against these so-called fearless leaders, who now must hide for the rest of their lives.

Daniel J. Sparks
Edmonds, Wash.

Let us celebrate the downfall of the Somoza dynasty and hope the Sandinistas do not spoil victory with more bloodshed.

Julio César Núñez
New York City

To dismiss the fact that Cuba played a crucial role in Nicaragua's war is not only foolish but an insult to our intelligence. Regardless of Somoza's dictatorial regime, such intervention should not have been permitted by the OAS. When this country's back is against the wall, and we are surrounded by Communists, where will we turn?

Maria D. Junqueira
Miami

Are They Really Refugees?

The Indochinese refugee situation must be recognized as Asia's effort to dump its excess population on Western nations. The people involved are not "po-

litical refugees," but simply masses of poor people bent on improving their lot.

Most governments throughout Asia and the developing world resolutely refuse either to stop their soaring population growth or adopt the kind of free economic model that would generate jobs and wealth. Until they change, the U.S. must refuse to admit a single refugee or provide the countries involved with a penny of aid.

Kenneth C. McAlpin
Cleveland

How would you feel to see your children starving, and have all doors slammed in your face? Isn't it time that all of us who believe in freedom and human rights stop thinking in terms of color and national boundaries? We should open our arms and hearts to those less fortunate and remember that a time could come when we might be in a similar situation.

Lorna Doyle
Bangkok

Wanted Children

I feel compelled to correct Reader Kitty Ruckenback's claim that "pro-lifers have children, pro-choicers do not" [July 30]. Pro-choicers have wanted children.

Katherine Newman
Cedarburg, Wis.

Just think of the clout the Ruckenbacks will have seven generations from now if the eleven brothers and sisters and their progeny each contributes an equal number of offspring to the world's population pot. All told, 214,358,881 Ruckenbacks would be on hand to express their opinions with their votes.

Gerhard Becker
Northfield, Ill.

A Windfall Tax on Housing

As a homeowner, I regret your revealing that house prices have soared from \$27,600 in 1972 to \$62,900 in May [July 30]. President Carter and Congress may see those figures and slap a "windfall profits" tax on anyone who sells a home. Such a levy would be consistent with the windfall profits tax on oil companies. After all, the homeowner has done nothing to reap that gain—it is a true windfall.

William F. Staats
Baton Rouge, La.

Breezes and Brew

As a veteran wind-surfer, I must say that you can wind-surf and drink beer [July 30] at the same time. The Beer Slalom in August 1977 on Martha's Vineyard is the only race I've ever won.

Sydney L. McNiff
Washington, D.C.

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Gene Wilson (right), Operatives Dennis (left) and Ken (directly behind Wilson), and helpers with a haul of repossessed cars

American Scene

In Texas: Quiet! "Repo Men" at Work

It is 1 a.m. of a sultry summer night. Ken and Dennis are about to move in on their first "account." Ken drives his air-conditioned Impala to a big modern apartment complex along Westheimer Road in southwest Houston. He begins circling around rows of cars in the quiet, dark parking lot. Eventually the account is spotted: a green 1976 Triumph TR-6. Dennis watches as Ken checks the license number and then crawls through a side window of the convertible.

Once inside, Ken pries out the locking cylinder of the ignition with a tool called a body puller that looks like a hand drill. It takes just five minutes. He starts the car with a screw driver and speeds out onto Westheimer. Dennis grins and follows in the Impala.

Ken, 22, and Dennis, 27, his helper, are "repo men"; and according to the information on a 3-by-5 card in Ken's pocket, the Triumph's owner is two months behind on his \$153 monthly payments. The two work for the Texas Bureau of Repossession Investigation, run by a man named Gene Wilson, who has had the repo business since 1973. In the parlance of repo men, an account is either the car to be repossessed or the person who is in debt. "It's a job that's got to be done," Wilson says. "Most of those people are trying to rip someone off." Last year Wilson grossed \$114,000.

Wilson's eldest daughter, Laura Jean, 18, who is married to Ken, takes calls from prospective clients, mostly banks, auto

dealers and credit unions. If the home address of the account cannot be found in city directories or by a telephone check with landlords, repo men may risk trying to take the car during the day where the account works, provided he still has a job.

Repossessing cars is a dangerous occupation. So long as Ken and Dennis are acting on behalf of a bank or agency that holds title to a car, and do not cause a breach of the peace, kidnapping delinquent cars is technically legal. But any armed and irate citizen who sees two guys heisting a car at night is likely to open fire. Both Ken and Dennis have been shot at, though not hit so far. Repossession, however, is nine-tenths of the law.

Normally Wilson reports repossessed cars to authorities, so that if an account calls in to say that his Dodge or Buick has been stolen, he is informed it has been repossessed. The cars are stored in a fenced-in yard behind Wilson's headquarters. Eventually most of them are sold at auction or released to owners who pay up.

By the time the Triumph is safely parked it is after 2 a.m. Armed with a street map of Houston and a fresh pack of cigarettes, Ken and Dennis take off again, this time along a nearly empty freeway leading to the city's poorer northeast side. The Impala glides slowly along narrow streets lined with old live oak trees and small frame houses. At the first two addresses, the cars to be repossessed are nowhere to be seen. But soon Ken spots a 1976 Mercury Cougar parked in a drive-

way. It looks like the one on their list of accounts. He shines a flashlight on the small house to verify the address and checks the license plates. "That's our baby," he whispers.

Ken pulls around the corner. Dennis takes a thin blank key from his pocket and files it down to a razor edge on both sides. Then Ken drives back to the Cougar. This time the Impala waits down the block while Dennis, crouching in the driveway, slides the blank key into the Cougar's door lock. A few dog barks, but inside the house the warning is muffled by the drone of air conditioners. The lock makes five tiny notches in the key. With a circular ratail file, Dennis carefully enlarges them until—after only about two minutes—the key opens the door. In a flash Dennis has the Cougar started and is racing it down the street. As he rounds the corner he turns on the headlights. Ken follows in the Impala for three miles to a deserted shopping-center parking lot, where the Cougar is left while the team works other accounts in that area.

If a car's serial number is available from a dealer, keys can sometimes be made beforehand. Ford Motor Co. and Chrysler Corp. cars can be opened and started with a blank key and file, Wilson says. General Motors uses a different kind of door lock that will not leave notches on a key. Their cars usually have to be opened with a "slim Jim," a long, flat piece of steel like a ruler that can be slipped down

American Scene

the window well to pop open the door lock. The ignition-locking cylinder can be pulled out with a homemade "ignition puller," which looks like a corkscrew with teeth that tighten around the cylinder and yank it out. Then the car can be started with a screw driver. (The ignition puller will not fit on later GM models and some foreign cars like the Triumph, so the body puller is used.)

Ken, who has a devil tattooed on his right arm, started repossessing cars for Wilson two years ago. He had drifted down to Texas three years earlier after being laid off at a GM plant in Flint, Mich. He supplemented the \$7,400 he earned last year as a repo man by making car keys for dealers. He and Dennis split the \$45 they get for each car recovered, but they supply their own gas—which now runs \$10 to \$18 a night. "If I want to take a few weeks off, I can do it without being fired," says Ken. "A lot of people work 20 years some place and can't do that." He also recalls the excitement of his first repo adventures. "You feel your nerves tingling. You're aware of everything around you."

Like many other occupations, car possessing has seasonal ups and downs. In Houston the worst times are spring and fall, when people sleep with their windows open, and no air conditioners run. Business is also bad in summer because tax refunds give everybody a little extra money. Winter is best. Says Ken: "Because of Christmas shopping people get behind on their car payments." Ken made \$1,450 last December alone.

He once "repoed" a Rolls-Royce from a mansion in Houston's exclusive River Oaks section. He has been chased by "plumb naked" accounts, a man and woman whom he accidentally awakened. He narrowly escaped death once when an angry account with a shotgun blew out the rear window of the Ford pickup truck he was repossessing. "The one most likely to shoot you is the bystander or neighbor," Ken says. "They think you're a car thief. The account ain't really surprised to see you." People also generally think that repo men steal valuables left in the cars they take. Wilson, in fact, has had to fire teams for doing just that.

On the next account, another '76 Cougar, the license plates have been changed. Dennis has to verify the serial number on the dashboard with a flashlight. He swiftly makes a key, but the battery is dead. Ken has to push the Cougar around the block with the Impala. Then the team sets to work with jumper cables. Dogs bark near by, but no one seems to notice. The Cougar still refuses to start. Finally Ken pushes it along deserted streets three miles to the shopping center. It is now 4 a.m. Inexplicably, a small boy appears in the parking lot on a bicycle, clutching a can of Mr. Pibb in his teeth. He watches the operation briefly, then rides off into the night without a word.

—Robert Wurmstedt

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THE TEXAS FOLKLIFE FESTIVAL



Children in San Antonio joining the parade to festivals

Nation

TIME/AUG. 20, 1979

Summer, U.S.A.

And the festival going is easy

After months of gas lines, inflation, summity and SALT debate, the coming of August brought a change of tempo and mood. Congress adjourned and Washington lapsed into sultry somnolence. All across the nation, though problems might be real

enough, there was a sense of vacation, of enjoyment, even of celebration.

Tis the season of the festival, and a festival nowadays is a protean feast. It is a group of local notables trying to put clothes on live chickens in a contest at the Hamilton County Fair near Cincin-



Displaying quilts at the Folklife Festival

A steam-engined tractor at the Ninth Annual Antique Powerland Farm Fair in Brooks, Ore.

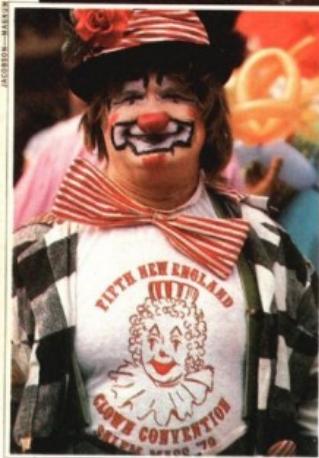


nati. It is a baseball game at the New England Clown Convention in Salem, Mass., where no one knows who won because the bases kept moving and the umpire used a fire extinguisher to settle disputes. It is Cincinnati's Don Cook, who takes pride in being able to grow an instant beard by letting bees swarm to his chin. It is 102 vintage ships (minimum age: 25 years) sailing in the shadow of the *Queen Mary* during the Long Beach, Calif., Ancient Mariner's Regatta.

A festival music filling the air or competing with fireworks. Manhattan's Central Park was packed with almost a quarter of a million people last week as the New York Philharmonic exploded into John Philip Sousa and giant skyrocketts burst above the band shell. A festival is Chicago Secretary Janice Simpson puzzling over whether she should go hear Lonnie Liston Smith at the Miller beer Jazz Stage or Muddy Waters at the Olympia beer Blues Stage, playing at almost the same time at ChicagoFest, where more than 500,000 trooped to the city's old brick and metal Navy Pier last week.



Fireworks illuminate New York Philharmonic concert in Central Park



(She found she could catch them both on different nights.) It may be tourists getting so caught up in the music at the ethnic dances of the Texas Folklife Festival that they jump onstage with the costumed dancers. Or Jazz Vibraphonist Gary Burton performing in Boston's Copley Square during one of the seven concerts a day scattered across the city by Summerthing.

A festival, of course, is also a feast, as in food. Says the slow-talking voice over the loudspeaker at the Ninth Annual Antique Powerland Farm Fair in Brooks, Ore. (pop. 400): "Those of you with a rumble in your belly come have some barbecued chicken and corn on the cob." Many of the 2,000 or so who were gawking at the steam-engined tractors and thrashers did just that. Gilroy, Calif., which claims the title of the Garlic Capital of the World, held its First Annual Garlic Festival last week, and Lloyd Harris explained: "There's something about garlic that creates excitement. People can get real loose around garlic." Bobby Waller liked it hot at the Hamilton County Fair, amid the frog-jumping, tobacco-spitting and Dolly Parton look-alike contests. At 16, he's billed as the world's youngest fire-eater.

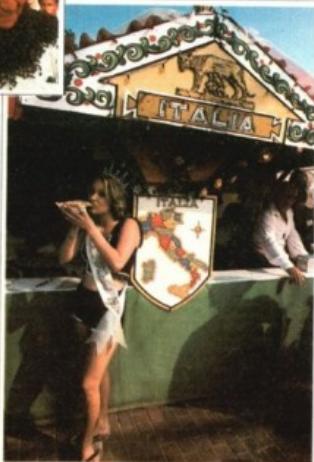
Summer is every man a king and every woman a queen. Maria Elizabeth Julio was named Miss Italian Festival in Baltimore and headed for the pizza

stand; Sally Stallings was Queen of the Old Spanish Days Fiesta parade in Santa Barbara, Calif., and rode among 150 floats and strutting flamenco dancers. And Maury ("Steam Train") Graham convinced the 79th Hobo Convention in Britt, Iowa, that he needed to retain his title as King of the Hobos in order to continue visiting prisoners around the nation.

So it goes in America, this time-out August 1979. ■



Left: Clown Convention in Salem, Mass.; Navy Pier during ChicagoFest. Right: A beard of bees and Miss Italian Festival



Nation

Of Minestrone and "Mondali"

Carter rides the rails to plug his energy program

Just when the U.S. seems on the verge of doing something about the energy crisis, the public loses interest in it. This is the problem that Jimmy Carter thought he faced last week, with Congress on vacation and the long gasoline lines of early summer fading from memory. The President and his advisers decided that he had to make some dramatic move to keep the energy issue before the public.

So he took an ostentatious train ride, boarding a special car attached to the Amtrak Metroliner at Washington's Union Station. Accompanying him were

timor was the first of several cities he plans to visit in the next few weeks to push for his energy program and, not incidentally, to try to revive his declining political fortunes.

Warmly received by small groups in Baltimore, Carter stopped first at the home of Mrs. Genitha Rhynes in a predominantly black neighborhood. CETA workers had weatherproofed the house, and a solar unit for heating water had been installed with a \$9,500 grant from the Department of Housing and Urban Development. "This ought to save you



Rosalynn and Jimmy Carter aboard an Amtrak Metroliner to Baltimore; waving to crowds during a walking tour on the east side

Making the symbolic point required a specially equipped car, three helicopters overhead and a four-car train to check the tracks.

his wife Rosalynn, some White House aides and a bunch of security guards totting briefcases that concealed shotguns and automatic weapons. Aboard the special car, a red curtain separated Carter and his wife from the reporters in the rear. Behind other red curtains, Army communications specialists manned telephones and telex links that kept the President in touch with the White House. A four-car pilot train ran ahead of the Metroliner so that Secret Service men could check the tracks, and three helicopters hovered watchfully overhead. Carter's destination? Baltimore, a mere 37 minutes away.

The White House claimed that the trip cost only \$1,260 more than if Carter had traveled by helicopter—and was well worth the price. Carter traveled by rail, he later explained, to show that "trains represent the future and not the past in transportation in America." Bal-

money." Carter told Mrs. Rhynes. Then he assured a group of neighborhood residents: "Our country is determined to win the energy war. The people here on East Biddle Street can help me. Do you agree?" The crowd roared its support. Predicting that similar solar units would eventually be put on homes all over America, Carter asked: "There's no way for them to embargo the sunshine, right?" Again, the audience shouted its agreement.

Next stop was the convention of the Sons of Italy. Joining Carter on the podium were Attorney General-designate Benjamin Civiletti, Watergate Judge John Sirica, New York Democratic Congressman Mario Biaggi and Monsignor Gino Baroni, Assistant Secretary of HUD. Carter used the occasion for another attack on Congress. Said he: "I'm sorry to say that until now the general interest has had a hard time of it in the halls of Congress.

Congress has yielded to the narrow interests on energy issues time and time again." He asked his listeners to lobby their Congressmen to support the windfall profits tax on oil companies.

Then, in an obvious pitch to ethnic groups in which his support is eroding, he claimed that the U.S. is "not a melting pot. We are more like a pot of minestrone." In case his audience did not savor that line, he went on to say that among the top-level Italian Americans in his Administration was Vice President "Mondali." There was a strained chuckle or two.

Later in the week, while Carter stayed home in Washington to work, Rosalynn flew to Quito for the inauguration of Jaime Roldós Aguilera as Ecuador's first democratically elected President after



nine years of dictatorships. This week Carter resumes his travels with a flight to St. Paul, where he will board Delta Queen, an old stern-wheeler that will take him and 188 other tourists on a week-long trip down the Mississippi River. At each stop the President plans to repeat his energy lesson. After the boat docks at St. Louis, he will head east for a few days' vacation in Plains, Ga., and Camp David. Carter acknowledges that a possible presidential rival, Senator Howard Baker, gave him the idea for the trip. Said Press Secretary Jody Powell: "Since Baker made several suggestions recently to the President and since the President could not accept some of them, he decided to take Baker up on this one."

In one of those turnabouts that create strange political bedfellows, the Senate minority leader and other Republicans have begun meeting on a regular basis with the President. Snubbed by

many Democrats, Carter needs all the support he can get in Congress and thus welcomes the Republican advice. The Republicans, on the other hand, are worried that Carter may continue to stumble so badly that he will be denied the nomination. The G.O.P. leaders do not want this to happen because they figure Carter would be the easiest candidate to beat. So for the time being, top congressional Republicans are trying to be nice to Carter.

Carter's excursions are just part of a new Administration campaign to sell its energy ideas to the public. White House staffers and members of the Energy Department have formed subcommittees to pursue 13 different goals, including winning approval of the synthetic fuels bill and the windfall profits tax. Last week Carter proposed using \$1.6 billion of the projected revenue from the tax next winter to help poor people pay the rising costs of heating their homes.

At the same time, the President continued to get ready for this fall's energy and political battles by making more staff changes:

► Tim Kraft, his assistant for political affairs, will shortly leave the White House to join Carter's re-election committee, which now is a thin and inexperienced operation. It will continue to be headed by Evan Dobelle, who will concentrate on fund raising, while Kraft will line up political support and delegates for the 1980 convention.

► Sarah Weddington, special assistant to the President for women's affairs, has been promoted to the senior White House staff. She will take over Kraft's White House political chores as well as serve as chief adviser on women's issues.

► Robert Lipschutz, the President's counsel, is returning to Georgia to serve with Charles Kirby as co-trustee of the Carter financial trust. Lipschutz turned in a lackluster performance as White House liaison with the Jewish community, and he was faulted by other Carter staffers for being slow to grasp the severity of the charges against former Budget Director Bert Lance.

► Greg Schneiders, a close Carter aide during the campaign and a deputy to Image Maker Gerald Rafshoon, has decided to quit after learning that there would be no future for him on a full-time basis at the White House. Schneiders was considered by top staffers as a bit too irreverent and not enthusiastic enough in boosting Carter.

► Alonzo McDonald, deputy to Robert Strauss when he was special trade representative, was named assistant to White House Chief of Staff Hamilton Jordan. McDonald was formerly chief executive officer of McKinsey & Co., an international management consultant firm. Said Jordan: "He'll improve our operations and processes, coordinate policy and politics. I plan to give him broad authority. I think he does a lot of things well I don't do well. It'll give me more time to think and plan."

The Presidency/Hugh Sidey

When Ike Wore His Brown Suit

In nearly three years, there have been only a few good stories about Jimmy Carter as a human being at work in the White House. This shortage may provide an insight into his problem in governing.

We know the narratives of his peace missions and summitry. But around almost every recent President there has developed a rich literature from the human drama that takes place at the center. We had a touch of it with Bert Lance, a bit more in Carter's talks with Begin and Sadat, then a jiggle or two in the Cabinet firings, but beyond that it is thin gruel.

For decades the evenings in the capital were enriched with stories like the one about Franklin Roosevelt's coaxing Ambassador Joseph Kennedy out of a vacation and then with great relish firing him. F.D.R. was a real gossip, demanding every morning the tantalizing doings of the night before. "I had dinner with Senator Arthur Capper, and he was snapping garters all night," chortled an aide one time. Roosevelt roared, eyes bright. "Is he still doing that?" he asked, recalling that the old boy was on the prowl back when Roosevelt was Assistant Secretary of the Navy, 20 years earlier.

The most successful moments in the presidency in recent years have come when the Chief Executives put together the human equation. They relished the struggles, the intrigue, the failures and triumphs of the men and women involved. Carter, in some ways the most human of Presidents, has taken the lonely ground above, dwelling with statistics, programs, philosophy. There are few zestful folks up there, and almost nobody who can get things done. Carter has

only a handful of personal friends in the city, little interest in others beyond their official functions. The story of his presidency so far reads like an annual report.

What Carter has failed to do is explore the minds and manners of the men and women in power. Lyndon Johnson had a novelist's sensitivity. "Watch their eyes, watch their hands," he told his staff. L.B.J. related how Bobby Kennedy's Adam's apple went up and down when L.B.J. barred him from the vice-presidential ticket in 1964. "The most important thing a man has to tell you," said Johnson, "is what he is not telling you." L.B.J. could mimic every adversary. "Don't look out those windows," he warned his staff who were across the street the day after Kennedy's murder. "The people in the White House will think you are looking for power." When a TV reporter offended Johnson, he told an aide, "He's a wall-eyed eye. My daddy said never trust a mule or a man who is walleyed."

Harry Truman took a liking to Joe Stalin, but when he got a case of the old dictator's best vodka, Truman gave it away, wondering about any man who would drink the stuff over bourbon. Truman watched with fascination as Secretary of State Dean Acheson verbally diminished Secretary of Defense Louis Johnson, who had the idea he should be a larger figure around the White House.

The city savored Eisenhower down in Augusta. "Golf?" complained Ike. "How can I play golf with Foster [Dulles] yelling 'Nasser' at the top of my backswing?" There was the time that Dulles rushed in on a golf afternoon with another Cuban crisis and Ike said, "Foster, can't it wait until 5:30?" Ike's moods were legend, and his staff was convinced he dressed accordingly. "Oh, God," Appointments Secretary Tom Stephens would warn, "he's got on his brown suit."

Back when he was Vice President, Richard Nixon once brought a toy drummer to the Cabinet and let it walk across the polished table to make his point about what beleaguered Republicans had to do ("Just keep beating that god-darned drum"), which may have hardened Ike's doubts about Nixon, a running theme of speculation in those years. John Kennedy loved to tell the story of calling up Under Secretary of State Chester Bowles and asking innocently who leaked the news about some new ambassadors, knowing full well it was Bowles who leaked it. (Bowles stammered, denied it, but was subdued for months.)

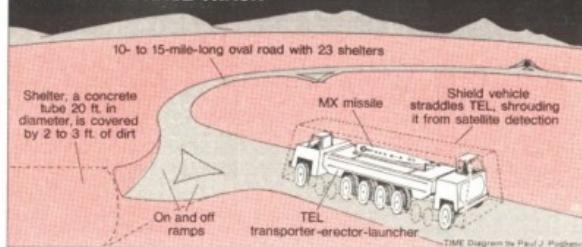
In the grand sweep of history, such things may be forgotten. But they have a lot to do with making Washington work.



Eisenhower taking a swing in 1958

Nation

MX MISSILE RACE TRACK



Move It or Lose It

Or, how the Pentagon plans to protect its nuclear missiles

If Pentagon planners get their way the valleys throughout Nevada and Utah will be dotted with 200 asphalt oval tracks, 20 ft. wide and 10 to 15 miles long. The "race tracks," as the Pentagon calls them, will be traveled at 5 m.p.h. by the largest military vehicle ever built, lugging the nation's most advanced intercontinental ballistic missile. Last week the race-track plan, projected to cost \$30 billion, was endorsed by a high-level Administration committee; Jimmy Carter's approval is expected later this month.

Deploying nuclear weapons on the oval tracks is intended to solve the most serious threat to the nation's land-based strategic arsenal: the possibility of a surprise Soviet attack obliterating nearly all of the 1,054 U.S. Minuteman and Titan ICBMs. Pentagon strategists have long believed that the best antidote to this vulnerability would be a mobile ICBM known as the MX. They had considered underground trenches, which proved vulnerable, and special planes, which proved very expensive.

The Pentagon's new proposal calls for 23 underground shelters to be connected by ramps to each track. Only one MX missile would be based on each oval. The missile would be moved from shelter to shelter by a TEL, or transporter-erector-launcher. Each one would be 180 ft. long, 13 ft. wide and 13.5 ft. high, roll on 24 huge tires and have a 3,250 h.p. engine. The total weight of a TEL and its missile would be 335 tons.

The critical moment would come when the TEL moved to the end of a ramp and stopped at a shelter entrance. There it could: 1) deposit an MX in the shelter; or 2) remove one; or 3) do neither, but deceptively remain at the entrance for the time it would take to load or unload a missile. To prevent Soviet spy satellites from detecting what was going on, the TEL's actions would be completely shrouded by the "shield vehicle," another truck that straddles the TEL much as a turtle is covered by its shell.

As an additional safeguard, every shelter will contain 96 tons of weights (about equal to the MX), which the TEL would pick up when it drops off a real missile. This would prevent Soviet sensors from discerning the change in the TEL's rumble that would be caused if it no longer carried a load. If the TEL suddenly seemed lighter, for instance, Moscow could conclude that it had deposited an MX at its last stop. The TEL would also carry equipment constantly emitting the same amount of gamma rays and heat as would be given off by an MX.

With such multideception, the Pentagon is confident that a significant number of MXs can survive a Soviet attack. Should the President give the order, the missiles could be launched within one minute from the shelters or from the TELs. Each shelter would have a device that could push a missile through its ceiling and raise it to a 50° firing angle. Spaced at about 6,000-ft. intervals, the shelters would be far enough apart so that a Soviet warhead that destroyed one of them probably would be too far away to seriously damage another. To be certain of knocking out 200 MX missiles, therefore, the Kremlin would have to fire warheads at all 4,600 shelters, which would so strain the capability of its arsenal that it would have few warheads left for anything else.

The race-track approach offers several advantages over competing MX basing proposals. For one thing, it would be relatively simple for the Soviets to verify U.S. compliance with the SALT accords because the shelter roofs could all be pulled back simultaneously to allow Soviet satellites to count the MXs. For another, not much land would be needed, and all of it already belongs to the Bureau of Land Management. Only the 2.5 acres surrounding each shelter would be cordoned off.

If Carter okay's the race track and Congress gives its approval, which seems likely, the first MXs should start moving along the ovals by 1986. ■

Shaping Up

The Navy gets tough

There cadence may still not be perfect, but Navy trainees are once again marching to classes and meals at the Great Lakes Naval Training Center. Their hands snap salutes to officers, and none of them can leave the base out of uniform. For the 8,000 trainees at the base, located on Lake Michigan about 35 miles north of Chicago's Loop, the watchword has now become the venerable Navy saw: SHAPE UP OR SHIP OUT.

This is quite a change from the college campus atmosphere that was established at the center in the early 1970s to make Navy life more attractive to recruits. The Navy decided to get tough after hundreds of trainees rioted for two days in late June in a park and along the sleazy strip of bars, pool halls and prostitute haunts near the base's gates. Complaining that they had been continually cheated by merchants on the strip, the sailors went on a window-smashing, rock-throwing rampage that ended only when the Shore Patrol and North Chicago police officers charged into the mob, swinging their billy clubs. Afterward, 58 trainees were court-martialed.

The new measures, which took effect last week, include: a ban on wearing civilian clothes on the base or when leaving it; a one-third increase in trainees' duty time, to 24 hours spread over every four days; and the assignment of 100 extra petty officers, making a total of 1,700. The worst troublemakers were transferred to a new disciplinary division led by Chief Warrant Officer Joseph ("Gunner") Cahill. Said the veteran Navyman: "Most of these guys will be good sailors. But they need someone to say, 'This is the way it is. We have to bring them up sharp.'

But more than discipline may be needed. While conditions on the honky-tonk strip helped to spark the riots, a more basic cause was the trainees' anger over their dismal housing. They derisively call the aging barracks "Idi Amin's Castle" and the "Haven for Thieves." There little privacy, toilets frequently do not work, and locker doors are so flimsy that thefts of cash, clothes and cameras are common. Complained Seaman Edmund Griffin: "Some of the barracks are real ratholes." Added a petty officer: "Drugs were everywhere, but the Navy didn't do anything about it. Petty officers put trainees on report and nothing happened."

The Navy has begun upgrading housing, and will send two additional senior officers to Great Lakes so that disciplinary hearings can be conducted swiftly. Petty officers have been assigned to each floor of the barracks to increase security and enforce discipline. Said Senior Chief Petty Officer Thomas Phillips: "The new rules have already changed things. This is finally a military establishment." ■

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A man with short brown hair, wearing a red and black plaid long-sleeved shirt over a white t-shirt and blue jeans, is sitting on a large fallen tree trunk in a forest. He is holding a cigarette in his right hand and is looking off to the side. In the background, there are rolling hills and mountains under a sky filled with orange and yellow clouds at sunset. A red hard hat lies on the ground next to the log.

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BUNDY

Nation



MacDonald and Koores plotting Indian energy strategy in Denver

Fuel Powwow

Indians seek a better deal

Government officials subjected his tribe to 176 official audits within three years and indicted him on seven counts of fraud and income tax cheating. But the trial ended in a hung jury, the charges were dropped, and the defendant claimed that it was all political persecution. "They are after the Navajos—I am the symbol," cried Peter MacDonald, chairman of the nation's largest Indian tribe. "Put me away, get me out of office, and it will be a while before any tribal chairman insists that the state treat Indians equally."

MacDonald was five before he wore his first pair of shoes, nine before he spoke English. He says he took his name after hearing schoolmates sing *"Old MacDonald Had a Farm."* He dropped out of school at 15, lied about his age to join the Marines in World War II, and served in the South Pacific as one of those Navajos who transmitted official messages in an unbreakable code, the Navajo language. He earned an engineering degree at the University of Oklahoma, worked in the Polaris missile program, then returned to the reservation to take up tribal politics.

To confer with this contradictory character, and six other tribal leaders, newly appointed Energy Secretary Charles Duncan last week flew to Denver. Reason: MacDonald, now 50, is not only head of the Navajos (salary: \$35,000) but chairman of the Council of Energy Resources Tribes. The resources that lie under CERT tribal lands in ten states represent about one-third of all stripable low-sulfur coal in the West and about half of all the nation's uranium.

Legally, however, much of this Indian wealth has long been tied up under contracts that yield low returns. For example, the Navajos have been getting

only 25¢ per ton from Utah International Inc. Coal of this type is now commanding royalties of up to \$1.50 per ton. "That was one of the old, bad contracts," says MacDonald, who has renegotiated several such leases by challenging their terms in court. "We are going to break it or shut things down."

Another problem for the tribes in CERT is that they do not even know precisely how much coal and uranium their lands contain because they have never been able to afford accurate surveys. The Carter Administration provided a grant of \$2 million to help the Indians get organized, open a Washington office and hire some legal help. But Indian leaders were annoyed that none of them had been invited to the President's wide-ranging meetings on energy at Camp David. Protested MacDonald: "Our coal and other resources should be able to help this country survive the energy crisis, but nobody is talking to us."

MacDonald made grandiose threats of striking a deal with OPEC, an idea that OPEC officials in Vienna dismissed as absurd. More concretely, the Indians hired one of OPEC's most expert oil bar-gainers as an adviser. He is Ahmed Koores, former Deputy Minister of Oil and Finance in the government of the deposed Shah of Iran.

These showy moves were designed partly to attract more attention in Washington, and in that they succeeded. When the Indians asked for \$600 million over ten years to finance CERT, Duncan said such a sum was quite proper and promised to see if the money could be supplied. He vowed that he would create an Indian affairs section in the Department of Energy and that CERT would get a firm answer to all of its requests within 30 days. And finally, he promised a thorough survey of mineral reserves in the Indian lands would be made so that the tribes can find out exactly what they have—and just how heavy a club they wield.

Missing Person

Did Sindona scamper?

He was an international financier with a personal fortune once estimated at \$450 million. Nonetheless, when Michele Sindona, 59, was reported kidnapped in New York City last week, hardly anyone showed signs of alarm about his safety, not even the federal prosecutors who had planned to try him next month for fraud. The charges stem from his purchase in 1972 of a controlling interest in New York's Franklin National Bank, which collapsed two years later in the biggest bank failure in U.S. history. Reason for the calm: just about everyone figured that the kidnapping was a hoax.

Sindona's disappearance was first reported by his secretary, who said she had received a phone call from a man with a foreign accent. His message: "We now have Michele Sindona as our prisoner. You will be hearing from us." Several days later, the missing man's family reported getting a letter from his captors saying that he must answer to "proletarian justice." U.S. law enforcement officials remained skeptical and listed him as a "missing person" rather than as a kidnap victim. Said Italian Magistrate Guido Viola of Milan, where Sindona has been charged with a bank fraud totaling \$225 million: "More likely, he has fled to some distant place. He has disappeared in his most difficult moment, when he was to come before American justice."

Actually, police in New York suspect that Sindona may be more afraid of the charges against him in Italy, which are simpler than the 99 counts in the U.S. indictment. It sets forth a case that is scarcely less complicated than a New York subway map; criminal lawyers suggest that a jury might find the evidence too confusing to vote conviction. Moreover, one of the chief witnesses against him, Lawyer Giorgio Ambrosoli, the court-appointed liquidator of Sindona's bankrupt Italian empire, was killed last month by three gunmen in Milan, a day before he was to sign a 50-page deposition for U.S. prosecutors.

Clearly, Sindona has the funds to maintain a luxurious life-style in almost any country. Investigators believe that he actually has been living on money that he salted away during his years of wheeling and dealing. In any event, he had no trouble in making bail after his arrest in New York last March: he put up his apartment in the Pierre Hotel, which is worth \$500,000, and \$150,000 in cash. ■



Sindona in Manhattan

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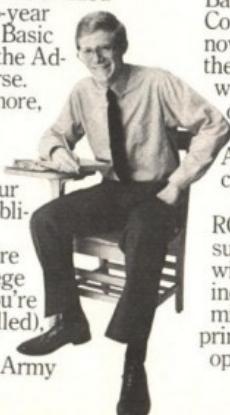
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The New Right Takes Aim

And Democratic targets fear the bombardment

Block the SALT treaty? "We'll fight it to the end," says Howard Phillips, 38, a husky Bostonian who heads one of the ultraconservative groups that are raising millions to oppose ratification. "In the long run we lose only if we fail to fight."

Unite Protestant fundamentalists and Catholic ethnics into a political bloc by emphasizing emotional "family" issues? "A year or two ago nothing was happening," says Paul Weyrich, 36, a former TV reporter who leads another right-wing organization. "Now we're moving."

Chop down some of the Senate's most prominent Democrats? "Of course, we can do it," says Terry Dolan, 28, chairman

inating Senator Barry Goldwater for President 15 years ago sought power through control of the Republican Party. In the mid-'70s, there was a feeble effort to unite diverse factions into a national conservative party. Today's New Right has different priorities. It stresses 1) the creation of coalitions among special interest groups, 2) support or opposition on specific legislation and 3) concentration on Senate and House seats that can be won. Says William Rusher, publisher of *National Review* and an admiring expert on the movement: "These are the first conservative groups that really have got down to electoral and legislative nitty-gritty."

and "fact sheets" on controversial questions. The summaries give both sides of the issue, but leave no doubt where virtue lies. An item on federal assistance to New York City is accompanied by a cartoon portraying the city as a prostitute. A piece on abortion in military hospitals shows a baby being put into a trash can with a bayonet. The caucus helped lead the fight against the Panama Canal treaties, and is now organizing opposition to SALT II with a Viguerie direct-mail campaign and a series of seminars around the country.

The caucus' mainspring is Phillips, once a conventional Republican who chaired the party in Boston and then served in the Nixon Administration as head of the Office of Economic Opportunity. That experience soured him on traditional bureaucracy.

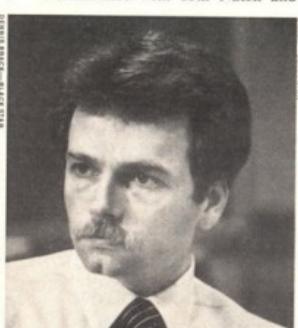
Disillusioned with both Nixon and



Paul Weyrich of Survival



Howard Phillips of Caucus



Terry Dolan of N.C.P.A.C.

of a third ultraconservative organization. "We are out to destroy the popularity ratings of several liberal Senators, and it's working. Frank Church is screaming like a stuck pig, and I don't blame him."

Brash young leaders with small offices and big dreams—these are the centurions of the movement that claims the title of America's New Right. Its general goals, a drastic reduction in domestic government activity and a hard anti-Communist line abroad, are familiar enough. So is its rhetoric. But the New Right has developed some fresh, effective tactics. It scored a few surprising electoral upsets last year, and now it smells blood.

Kentucky Senator Wendell Ford, head of the Senate Democratic Campaign Committee, warns that his party's control of the upper house is under serious threat for the first time in a quarter-century. Party tactician Terry O'Connell, observing that House Democrats are also worried, says: "Everyone I know is scared to death of this thing." Senior Correspondent Laurence I. Barrett explored the reasons for this anxiety. His report:

Conservatives who succeeded in nom-

Though the organizational network is loose and right-wing groups must compete with each other for contributions, the leaders often confer on policy and tactics. Frequently the host, Richard Viguerie, 45, the direct-mail conglomerate whose enterprises in Falls Church, Va., are expected to gross nearly \$20 million this year. Viguerie, who said last week that he will work for the John Connally campaign, is at once an adviser, technician and promoter for the New Right. In his mass mailings and monthly *Conservative Digest*—an indulgence that ran up a \$1.5 million loss last year—Viguerie plugs the newest and most active groups. Several of them are his paying clients. The three most important organizations have all been formed since 1974. They are:

► The Conservative Caucus, ostensibly nonpartisan, concentrates on national issues and local organization rather than elections. It claims 300,000 dues-paying members (\$5 to \$15), maintains coordinators in 40 states and committees in 250 congressional districts. The caucus produces a raft of literature on the voting records of individual legislators

Ford, Phillips is now an enrolled Democrat. Says he: "To the extent that there is an opposition to the failed liberalism of our generation, that opposition comes from the New Right rather than the Republican Party." Losing on any single issue matters little, Phillips preaches, since each conflict generates opposition to the status quo and support for the New Right. He cites the example of an airline pilot who worked for the caucus two years ago on the Panama question and was drawn into politics. The pilot, Republican Gordon Humphrey, is now the junior U.S. Senator from New Hampshire.

► Committee for the Survival of a Free Congress emphasizes campaign organization and funding. Last year it donated \$400,000 in cash and services to right-wing congressional candidates and it maintains ten field coordinators who work in primaries and general elections.

Survival's chief is Weyrich, a former Republican Senate staff aide who is considered the best strategist of the new generation. A Greek Catholic, Weyrich began the effort to involve prominent Evangelical Fundamentalists in right-

wing politics. He also took the lead in defining "family issues"—including abortion and gay rights—as a rallying point for voters who are not necessarily conservative on other questions. With the cooperation of Phillips' Caucus, that effort led to the creation last month of still another group, Moral Majority. One of its founders is Jerry Falwell of Lynchburg, Va., whose *Old-Time Gospel Hour* makes him one of the most prominent electronic preachers in the U.S. Falwell envisions a mass organization including Baptists, Catholics, Mormons and Orthodox Jews. His goal: "To defend the free enterprise system, the family, Bible morality, fundamental values."

► National Conservative Political Action Committee (N.C.P.A.C.) also collects funds nationwide to target in specific campaigns, but it emphasizes publicity rather than precinct organization. Thanks to the brass of its chairman, Dolan, N.C.P.A.C. lately has drawn more fire

short-term beneficiary of much of the movement's activities. True, Viguerie is taking on more Democratic House candidates as clients. But most of the New Right hit lists feature only Democrats.

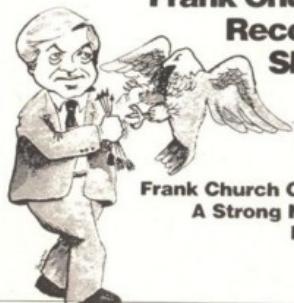
The most important is Church. According to the congressional scorecards maintained by both liberal and conservative lobbying organizations, Church is closer to the Democratic center than to the left. But because of his celebrity as chairman of the Foreign Relations Committee, defeating him would be a big victory for the New Right. And he is particularly vulnerable because Idaho usually votes conservative in federal elections.

Dolan's approach is to start early and hit hard on the incumbent's record. An N.C.P.A.C. affiliate in Idaho began TV and radio commercials in June. Initially Church was accused of having "almost always opposed a strong national defense." The TV spot was taped in front of an empty ICBM silo, implying that Church's atti-

to say anything negative about Frank Church. We'll talk about all the negative stuff." And in Idaho, where air time is cheap, N.C.P.A.C. will talk about its view of Church's record over and over. One radio spot was aired 150 times a day throughout the state for five days. The cost was just \$4,000. Predicts Dolan: "By 1980 there will be people voting against Church without remembering why."

While N.C.P.A.C. wages war with words, others affiliated with the New Right are attempting to organize single-interest groups against Church. A new ant-abortion group called Stop the Baby Killers, with Idaho Congressman George Hansen as honorary chairman, describes Church, Culver and Bayh as "men who apparently think it's perfectly okay to slaughter unborn infants." In fact, Church favors a constitutional amendment that would outlaw abortion in most circumstances. He is also opposed to controls on

Frank Church's Record of Shame



Frank Church Opposes
A Strong National Defense

TARGET



McGOVERN



Conservative caricatures attacking Senators Frank Church and George McGovern and federal assistance to New York City

from its foes than other conservative groups. The notoriety, including an attack against it in last month's AFL-CIO political newsletter, helps in the competition for conservative dollars. N.C.P.A.C. can use the money. Debts forced Dolan to suspend his own \$2,000-a-month salary this summer, and he is trying to raise \$700,000 for the opening shots of his "Target '80" effort to defeat five prominent Democratic Senators: Frank Church of Idaho, Alan Cranston of California, George McGovern of South Dakota, John Culver of Iowa and Birch Bayh of Indiana.

Dolan got into politics as a Republican volunteer in his native state of Connecticut, and at 21 was a paid organizer in the 1972 Nixon campaign. "I'm ashamed to admit that now," he says. In 1976, as a protest gesture against the major parties, he voted for the Libertarians. Says he: "The Republican Party is a fraud. It's a social club where rich people go to pick their noses."

Despite such contempt for the G.O.P.—a feeling returned by many in the Republican Establishment—the party is the

tude was responsible for the void. In fact, the silo was part of the obsolescent Titan system, which has been mostly replaced by Minuteman missiles. A mailing prepared for N.C.P.A.C. by Viguerie calls Church "the radical... who single-handedly has presided over the destruction of the FBI and the CIA." Church protests that his enemies are using "the big-lie technique."

Dolan can spend as much as he raises, despite the federal restriction that normally limits one political action committee to \$10,000 per candidate. The reason is that N.C.P.A.C. is exploiting the "independent expenditure" loophole permitted under a 1976 Supreme Court ruling. This allows free spending provided that there is no connection between the advertiser and the political beneficiary of the advertising. In Idaho, Church does not even have an announced opponent yet. His probable rival is Republican Congressman Steven Symms, who says that he has "no reason to be interested in a dirty campaign" against Church.

That's fine with Dolan, who tells a group of prospective N.C.P.A.C. contributors: "Steve Symms will never have

firearms. But the Citizens Committee for the Right to Keep and Bear Arms, a national group with an active chapter in Idaho, finds him wanting. Says its chairman, Alan Gottlieb: "There's no question that Steve Symms would be a better Senator on our issue. Church votes the way he does because he'd be tarred and feathered if he didn't." The National Right to Work Committee, Stop ERA and other single-issue groups are expected to work against Church and most of the other "targeted" Democrats as well.

The ferocity of this assault may turn out to be an error. The intended victims have begun organizing their re-election campaigns earlier than they would in a "normal" pre-election year. N.C.P.A.C.'s gambit is also causing dissension among New Right strategists, who are not as united as they seem. Weyrich's newsletter openly criticized Dolan's approach in Idaho and warned that he risked a backlash favoring Church. Weyrich's apprehension that Church may be perceived as the home-town underdog being attacked by alien bullies matches exactly Church's own strategy for survival. ■

HOW TO ORDER SOUP IN CANNES



Karen

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CODES FOR PRINCIPAL CITIES IN FRANCE (33)

Bordeaux	56	Lille	29	Reims	26
Chamont-Ferrand	57	Lyon	78	St. Etienne	99
Dijon	80	Marseille	91	St. Etienne	77
Grenoble	76	Nice	93	Strasbourg	88
Le Havre	35	Paris	1	Toulouse	61



Bell System

Pancakes and Mousse off Texas

A giant oil spill menaces the beaches

On the white, powdery beach of Texas' South Padre Island, hundreds of vacationers last week swam and basked in the sun. They seemed oblivious to Coast Guardsmen who were positioning floating barriers in the water. But even as the sunbathers relaxed at the expensive resort, which grosses \$40 million annually in tourist dollars, peanut-size globs of oil began to wash up on the beach. Others, as big as basketballs, floated just offshore. The tar balls were the first debris to hit U.S. waters from the runaway Mexican oil well that has dumped 265,000 tons of oil into the Gulf of Mexico, causing one of the biggest oil spills in history—and potentially a major environmental disaster. With patches of oil widely dispersed over the gulf, officials feared that the oil could pollute beaches as far away as the west coast of Florida.

The oil first began spewing into the Gulf on June 3, when an exploratory well drilled by Pemex, Mexico's national oil company, blew out of control in the Bay of Campeche, some 500 miles south of the Texas coast. Efforts to cap the gusher As the tar balls roll in on the Texas surf, a newborn Atlantic ridley turtle is rescued



BILLY DUANE

by pumping chemicals and steel balls into the well throttled the flow from 4,500 tons a day to 3,000 tons, but failed to stop it. An oil slick 60 to 70 miles long gradually formed around the well and started to creep northward. Part of the slick was turned back off Tampico, Mexico, by a countercurrent. The rest broke down into large flat pancakes, mouselike patches and thin iridescent streamers.

Mexican beaches were the first to be hit. They were spotted last week with giant puddles of crude oil and thick clusters of tar balls. The Mexican government mounted an emergency airlift to carry newly hatched Atlantic ridley turtles, an endangered species of giant sea turtle, from the polluted beaches out to sea.

By contrast, the accumulation on South Padre Island's spectacular beach was not much heavier last week than usual: bits of tar routinely float in from passing tankers. Bathers have got used to oil-stained feet. Thus few cancellations were reported at hotels. Padre Island, a thin barrier reef that stretches approximately 130 miles north from its highly developed southern tip, was slightly harder hit. But the oil was still no worse than a thick line of tar at the water's edge.

What worried the Coast Guard and a 150-member group of experts from

below the surface. Said John Robinson of the NOAA: "We have never seen anything like it. There is no engineering solution."

The most immediate danger is at Laguna Madre, a shallow estuary between Padre Island and the Texas mainland. Protected by the island's sand dunes and wild flats, Laguna Madre's salt marshes and grassy waters support a rich wildlife. Brown shrimp larvae, the basis of a \$140 million industry, develop there, as do oysters, crabs and fish. Shrimpers are worried that the oil will either kill the shrimp larvae or contaminate the mature shrimp. Said John Mehos, vice president of Galveston's Liberty Fish and Oyster Co.: "I would say the industry is scared." The lagoon is also a major stopover for migrating birds, among them endangered species like the peregrine falcon. It also is the wintering grounds of the redhead duck. Conservationists fear that the oil may destroy the plankton essential to the lagoon's life cycle.

By week's end favorable winds were keeping much of the oil off beaches, but the menace remained: a huge expanse of pancakes and mousse, 75 miles long and 100 miles wide, was spotted 240 miles south of Brownsville, Texas, and the oil continued to flow relentlessly from

the bottom of the gulf. Two relief wells now being drilled by Pemex, which are intended to divert the flow away from the gusher, will not be finished before early October. Then, workers will need up to a month to cap the runaway well. At the very least, the effects of the spill will be felt for a year. Said Patrick Parker, director of the University of Texas Marine Science Institute: "The oil sinks and then comes back up. It's going to be a long-term problem."

eight federal agencies, including the National Oceanic and Atmospheric Administration and the Environmental Protection Agency, was the oil's elusive quality. In contrast to other major spills, which usually move on the surface of the water, much of this oil has weathered, sunk and is moving along as deep as 40 ft. below the surface. The sausage-shaped rubberized barriers that were towed into place by the Coast Guard to protect the beaches extend only less than 3 ft.



A clean-up truck amid seemingly oblivious bathers on South Padre Island

"We have never seen anything like it. There is no engineering solution."

World

MIDDLE EAST

Putting on the Pressure

Arab efforts to push a Palestinian solution make Israel edgy

Even in the euphoria following the historic Camp David agreements last September, everyone knew the hard part was yet to come. While Egyptian-Israeli relations began a new era, the central issue of the Middle East remained unsettled: the fate of the Palestinian people. The Arab states basically favor an independent sovereign state for the Palestinians in the West Bank and Gaza, a home both for Palestinians already living there and for millions now in the diaspora. The Israelis, appalled at the notion of a hostile state, perhaps run by Yasser Arafat's Palestine Liberation Organization, on Israel's very border, are determined that, whatever happens, the Palestinian "entity" shall not be wholly independent and shall not control its own security—or be able to threaten Israel.

Last week tensions flared between Washington and Jerusalem, based on growing Israeli suspicion that U.S. dependence on Arab oil was shifting American priorities in the Middle East. Israeli Foreign Minister Moshe Dayan warned in an interview that the Carter Administration was undertaking a review of strategy toward the Palestinians that amounted to not just an erosion but a shift in U.S. policy toward Israel, to Israel's detriment. It was a result, he said, of "American concern about economic and energy problems, concerns about quantities of oil and prices."

At the Sunday meeting of the Israeli Cabinet, Moshe Dayan lashed out at practically everybody. He strongly criticized the economic policies of his own government—in part, perhaps, because he is trying to fill the political vacuum caused by the illness of Premier Menachem Begin, who is still recuperating from a mild stroke. But he saved the best part of his fire for the U.S., warning it against rec-

ognizing the P.L.O. or in any other way strengthening the chances of a wholly independent Palestinian state's developing in the West Bank and Gaza.

At the end of the stormy, five-hour session, the Cabinet voted to warn the U.S. to keep its commitments to Israel, notably the promise to veto any attempts by the Arab states to alter United Nations Resolution 242, which in 1967 implicitly acknowledged Israel's right to exist. The Israelis want no part of a new resolution that might also acknowledge the Palestinians' right to a sovereign state. The threat may have been precipitated in part by Israel's domestic political uncertainties, but there was no mistaking its seriousness: to withdraw from the stalled negotiations for "autonomy" of the occupied West Bank and Gaza if the U.S. presses too hard for a rapprochement with the P.L.O.

What set off the Israelis this time seemed to be an intricate power play orchestrated by Saudi Arabia, Kuwait and the P.L.O. The shape of this three-pronged diplomatic maneuver launched earlier this summer had become apparent only a short time earlier: 1) The Saudis had raised their oil production by 1 million barrels a day in early July on a three-month basis, thereby easing the shortage that had led to gas lines in May and June in the U.S. 2) The P.L.O. had seemingly adopted a far more moderate policy line than it usually takes. 3) Kuwaiti diplomats at the U.N. proposed a draft resolution that would, in effect, tie Israel's right to exist, as implied in Resolution 242, with in-

ternational recognition of the Palestinians' right to self-determination. Through this ingenious strategy, so the hypothesis went, the moderate Arabs were gently nudging the Carter Administration to come to grips with the Palestinian problem by October. If by that time the U.S. failed to respond to the Arab appeal and continued to yield to Israeli obstinacy, the Saudis could simply cut back on their oil production, once again causing the U.S. and its President, acute distress.

As reconstructed by U.S. experts on the Middle East, the Arab scheme stemmed from P.L.O. Leader Yasser Arafat's growing difficulties earlier this year. His allies in Syria and Iraq had become more and more preoccupied with pressing domestic problems. Israel, in the meantime, was steadily pounding away at P.L.O. refugees in southern Lebanon. Aware of Arafat's desperate need for a new approach, Saudi Arabia's Crown Prince Fahd invited him to Riyadh in June. At that meeting, Fahd convinced Arafat of the need for the P.L.O. to build a new relationship with the U.S. Toward that end, Fahd argued that the P.L.O. should curtail its terrorist activities for a time, while the Saudis offered the U.S. their million-barrel-a-day oil pro-

Delegates from Egypt (left), Israel (right) and the U.S. (foreground)



Moshe Dayan of Israel and Butros Ghali of Egypt in Tel Aviv



duction bonus—or “Fourth of July present,” as King Khalid described it at the time. Kuwait was brought in on the deal to make use of the abilities of its representative on the current U.N. Security Council, Ambassador Abdalla Yacoub Bishara.

The diplomatic strength of the moderate Arabs has been bolstered in recent weeks by improving ties between Saudi Arabia and Iraq, the world's leaders in both current oil production and in known reserves. Saddam Hussein has just emerged as the anti-Communist ruler of Iraq, crushing his opposition in the process; only last week his government executed 22 people, including several top officials, for alleged sabotage. Like the Saudis, the new Iraqi rulers are acutely worried about the risks of terrorism. So they are particularly anxious to reduce the chances of P.L.O.-inspired violence.

Israeli fears of political pressure were heightened by clear signals in recent weeks that the P.L.O. might be prepared to embrace Resolution 242 and accept Israel's right to exist in exchange for Palestinian self-determination and national independence. Mindful of Israeli sensitivities, U.S. officials flatly ruled out voting for any draft that endorsed an independent Palestinian state, but they have not dismissed the idea of approving a milder resolution that would affirm the Palestinians' legitimate political rights. Such phraseology would merely align the language of 242 with the Camp David accords, and Carter Administration officials doubted that it could lead to an imminent U.S.-P.L.O. dialogue. Still, such a diplomatic flirtation jolted the Israeli government. So did U.S. Secretary of State Cyrus Vance's warning last week that Israel may have violated a 1952 military aid agreement by using American

supplied jets in raids on southern Lebanon.

The Arabs' carrot-and-stick diplomatic approach caught the Carter Administration off guard. The President's ambassador-at-large in the Middle East, Robert Strauss, mistakenly reported last month that the Saudis were downplaying any possible link between their gift of increased oil production and diplomatic progress on the Palestinian issue. During his trip to Riyadh, in fact, the newly appointed Strauss felt that the courtly Fahd was deliberately distinguishing between the two issues by introducing them separately and without any reference to “linkage.” A U.S. expert concluded later: “It was classic Bedouin hospitality to avoid controversial subjects during a get-acquainted visit.” The fact is that Saudi leaders have said time and again for the past six years that there is an intimate connection between the oil and Palestinian issues. Arafat certainly talks like a man who believes he has that kind of muscle behind him (*see interview, following page*).

In any case, the Israelis, led by Interior Minister Yosef Burg, were in a defiant mood when the autonomy negotiations resumed last week in hotel atop Mount Carmel overlooking Haifa harbor. After Egyptian Premier Mustafa Khalil announced that Egypt would support a U.N. resolution dealing with Palestinian rights, one of the Israeli delegates, Justice Minister Shmuエル Tamir, charged in a volley of diplomatic overkill that Egypt was “endangering the whole current peace process.” The Egyptians insisted that they wanted the new resolution as a means of bringing the Palestinians into the negotiations. If the autonomy talks

fail, they contended, a U.N. resolution endorsing Palestinian rights could serve as a fall-back position, a basis for subsequent negotiations. Eventually the two sides settled down, but in truth the negotiators are merely shadowboxing until Menachem Begin and Egyptian President Anwar Sadat hold their next meeting in early September.

Israel is feeling partic-

ularly edgy these days because its relations with Western Europe, and particularly West Germany, are also at an all-time low. In January, Bonn sent a group of antiterrorist experts to Beirut to discuss ways of curbing political violence with a P.L.O. security team. The Israelis saw the move as a first step toward diplomatic recognition. In June the European Community took a strong stand against Israel's policy of establishing new Jewish settlements in the West Bank. Then in mid-July, Arafat flew to Vienna to hold talks with Austrian Chancellor Bruno Kreisky and West German Social Democratic Party Chairman Willy Brandt. Again the Israelis blamed Bonn for countenancing the courtesy. Next month, in either Kuwait or Paris, the European Community will hold discussions with the moderate oil states led by Saudi Arabia. The subject: some kind of arrangement to guarantee oil supplies to the Europeans and to guarantee price stability to the Arabs. Once again, the Israelis hold the West Germans chiefly responsible for the growing cooperation between Europeans and Arabs. Says an Israeli diplomat angrily: “We can't just brush aside the past.” Bonn's view was that Jerusalem's actions were largely emotional. West German Chancellor Helmut Schmidt is known to be impatient with Begin, whom he regards as holding too narrow and too rigid a position on the Palestinian question.

The Administration set to work trying to soothe Israeli anxieties, which, of course, are shared by many American Jews. The President telephoned Menachem Begin to congratulate him on his 66th birthday. He invited Israeli Ambassador Ephraim Eron to the White House for a working lunch. He assured the Israelis that American policy toward their country had not changed.

That is true, as far as it goes. But Carter is convinced, as are U.S. allies in Western Europe, that unless the Palestinians can be persuaded to participate in the autonomy plan, the whole fragile goal of a wider Middle East peace is in jeopardy. All the ferment in the Middle East, Israel's uneasiness, Arab efforts to influence events in new forms, are part of that difficult, unsettling, but necessary process. ■

at last week's session of autonomy negotiations in Haifa



Egyptian Premier Khalil and Israeli Interior Minister Burg after meeting



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The world's smartest camera.

An Interview with Arafat

"I have very few cards, but I have the strongest cards"

Yasser Arafat talked for three hours last week with former TIME Chief of Correspondents Murray Gart, now editor of TIME Inc.'s Washington Star, and TIME's Abu Said Abu Rish in the Beirut headquarters of the Palestine Liberation Organization.

Q. The Arab nations have designated the P.L.O. as the sole representative of the Palestinian people. What is it you want for the Palestinians, now and in the long-term future?

A. Our goal and our aim are to establish our independent state, our right to return to our homeland, from which we were kicked out, and our rights of self-determination.

Q. Can you accept a United Nations resolution stating that the legitimate rights of the Palestinian people must be acknowledged and that they have a right to a homeland?

A. What I want is a clear and well-defined resolution, and I have a right to that. What do you expect me to do? What you Americans did when you approved the establishment of Israel? Because this is a coin with two faces: establish two states. Why do you confirm one and neglect the other? I believe your commitment to the resolution that resulted in the establishment of Israel, and included at the same time the establishment of a Palestinian state, is crucial.

Q. Is Arab oil committed to the Palestinian cause?

A. Definitely. And do not forget that in 1982, according to American information, the socialist countries will be in need of oil.

Q. The Soviet Union?

A. Yes. In 1982 the energy crisis will be doubled.

Q. Are you saying directly that oil will be withheld from the U.S. and perhaps other countries if there is a failure to establish a Palestinian state?

A. Not exactly. Otherwise I'd be a very stupid man. Just remember that any complication for the Palestinian cause means a complication for the Middle East crisis, and also complications that the American computer itself might be unable to predict, including Soviet complications. Is all that risk in your interest just to keep on spoiling your naughty baby Israel?



PHOTOGRAPH BY AP/WIDEWORLD

Q. Are you willing to acknowledge the existence of Israel and its right to exist?

A. Why is this question always being addressed to the victim of aggression? The 4 million Palestinians have the highest rate of education in the Middle East, and yet they are not recognized by many countries. This is immoral; it is an international crime. What have we done to have suffered 30 years without a home, a passport, a nation, living as refugees, without rights?

Q. Do you think you can ever acknowledge the existence of Israel?

A. Don't ask me this question. I'm not going to put my cards on the table. I have very few cards, but I have the strongest cards.

Q. Do you have language that would satisfy Palestinian aspirations as well as allow the U.S. to establish relations with the P.L.O.?

A. Yes, the resolutions of the U.N. acknowledging the rights of the Palestinians to return to their homeland, their rights of self-determination and to an independent state. This is the international language, accepted by 126 countries.

Q. Is the language more important than the substance?

A. I have to remind you how much we have suffered from the ambiguity of resolutions.

Q. You say that peace is your purpose. Would you be willing to order an end to all bombings, hijackings and terror in order to achieve peace?

A. The Palestinians have nothing to do with hijackings. Hijackings are an international problem. Do you consider the resisting of occupation a terrorist act? You can't ask an occupied people to stop the defense of their rights without asking the occupier to evacuate their land and leave these people free. The real terror is the occupation itself. I want peace, but I want a just peace in which my people will not be refugees, will not be oppressed, will not be under occupation. This is peace. Otherwise it is surrender.

Q. Would you say the P.L.O. leadership is more or less in the hands of moderates?

A. We are freedom fighters.

Q. Can you be a freedom fighter and a moderate?

A. If you consider my struggle for my people a moderate attitude, then I am a moderate. I am controlled by one line, and that is the interest of my people, without concessions to Israel.

Q. There appears to be a Palestinian offensive to achieve legitimacy in the world. Is that true?

A. I don't like the word offensive. An initiative, yes.

Q. How much more is to be achieved?

A. A lot. We are cornering Washington.

Q. Cornering Washington?

A. Let us say including Washington.

Q. If you were to meet President Carter now, what would you say to him?

A. I would address him as head of one of the two superpowers who are committed to peace in the world, and second, as a believer, a man who has religious feelings and who secretly believes that the Palestinian people are entitled to just treatment like other nations. And as a believer, it is his responsibility to help restore peace.

World

COMMONWEALTH

A Call for Quickness

The goal: a fall conference on Zimbabwe Rhodesia

At the close of the Commonwealth Conference in Lusaka, Zambian President Kenneth Kaunda and his wife Betty dined with Margaret Thatcher and her husband Denis. As the evening ended in a glow of good feeling, Kaunda observed: "Let us hope God acts quick." Replied Thatcher, buoyant over her diplomatic successes: "I don't know about God, but the British Prime Minister will certainly act quick."

The sense of urgency shared by the two leaders arose from their need to gain rapid acceptance of the new Commonwealth plan for bringing undisputed majority rule to Zimbabwe Rhodesia. In a spirit close to euphoria the British government and the African "frontline" states struck a deal a week ago that offers the possibility of ending seven years of civil war in the country. But so far, at least, the participants on both sides of the Rhodesian struggle have remained as intransigent as ever.

Robert Mugabe, a co-leader of the Patriotic Front guerrilla movement, declared from his headquarters in Mozambique that he would refuse to negotiate until his soldiers were accepted as the national army of Zimbabwe Rhodesia. His co-leader (and rival), Joshua Nkomo, did not deign to comment publicly, but his lieutenants said that Britain could hardly be expected to supervise new elections dispassionately.

On the other side, Prime Minister Bishop Abel Muzorewa called the Commonwealth proposal "an insult" to his "government of national unity." Former Prime Minister Ian Smith, now a Minister Without Portfolio in Muzorewa's government, dismissed the results of the Lusaka conference as "so much hot air" and suggested that Rhodesians "forget about new elections." In South Africa, which has close ties with Salisbury, Foreign Minister Roelof F. ("Pik") Botha declared that his government was "deeply disturbed." South Africa was reported to be considering military support for Muzorewa if he decides to reject the Commonwealth proposals.

Despite the bellicose rhetoric, Commonwealth leaders remained relatively optimistic. Zambia's Kaunda implied that the Patriotic Front's reaction was little more than posturing, explaining: "Just now, various parties must react in a certain way." His colleague, Tanzanian President Julius Nyerere, said flatly: "The Patriotic Front [leaders] are going to a constitutional conference called by the de-

colonizing power." Nyerere suggested, however, that the British government might have a much harder time getting the Muzorewa-Smith bloc to the conference table. Snapped back Mrs. Thatcher: "If Julius Nyerere can deal with his problem," i.e., producing the guerrilla leaders, "I hope he will accept that I can deal with mine."

If all goes well, the constitutional conference will take place in mid-September, probably at London's Lancaster House, the site of so many previous conferences for a British colony bound for independence. All sides were aware of the need



Thatcher and Kaunda at Lusaka banquet

The Prime Minister will act quick.

for urgency, hoping to reach an agreement before the present economic sanctions against Zimbabwe Rhodesia expire in November. Nyerere called it "the last chance" for a peaceful settlement before a period of protracted warfare embracing all of southern Africa. But he insisted that even if Ian Smith should win the new Commonwealth-supervised elections, which would follow a cease-fire in the civil war, then "I would welcome him myself to the Organization for African Unity." It was an easy promise. Smith's whites now constitute only 3% of the population of Zimbabwe Rhodesia, and they are still leaving the country at the rate of 1,000 a month. ■

EQUATORIAL GUINEA

Despot's Fall

A "miracle" man toppled

He called himself "The One True Miracle of Equatorial Guinea." With the possible exception of Uganda's deposed dictator, Idi Amin Dada, no African despot has been more brutal and erratic than Francisco Macias Nguema, the President-for-Life of his tiny West African nation. In the eleven years since the country won independence from Spain, Macias presided over a reign of terror that took the lives of some 50,000 Guineans and drove perhaps 150,000—one-third of the remaining population—into exile.

To stem the flow, Macias ordered all the boats in the country destroyed. When labor shortages appeared on his cocoa plantations, he pressed 20,000 of his countrymen into slavery at gunpoint. Recalled one Guinean: "If you didn't go, you were shot." His approach to dissent was epitomized by the way he dealt with one group of 150 political prisoners: they were lined up in a stadium on Christmas Eve and shot as loudspeakers played the tune, *Those Were the Days, My Friend.*

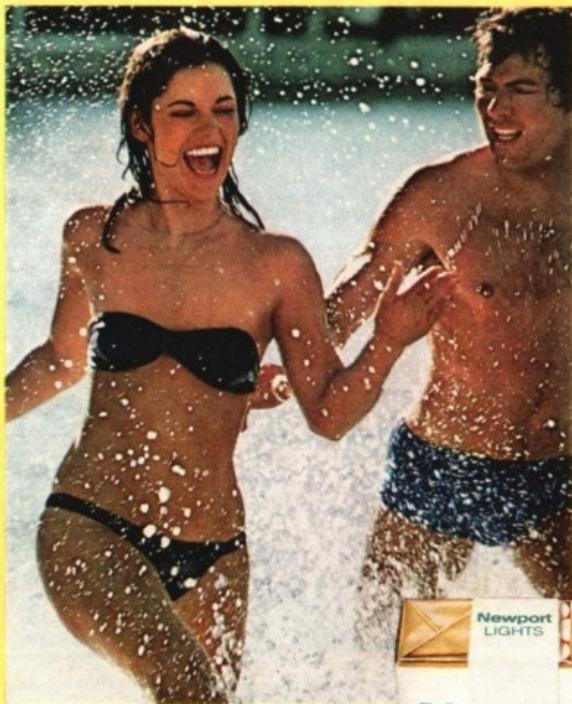
Finally Macias' own end came. Led by his nephew, Colonel Teodoro Obiang Nguema Mbasago, a military council seized power in the island capital of Malabo in a bloodless coup. Said the colonel: "Everybody was unhappy. It was only a matter of coordination." From his fortified villa in the mainland province of Rio Muni, where he had lived in seclusion for the past two years, Macias put up a brief fight, then fled into the jungle. But first, he burned a huge pile of banknotes: some \$105 million in Guinean and foreign currency, or just about all the cash in the country, which he had gathered up before he retired to the villa.

Macias, 57, had been an obscure civil servant before he was elected President in 1968. But once in power, says an acquaintance, he became "a total dictator who had a large charisma and could carry people along with him." That did not go for the economy, however. Skilled foreign planters and workers fled, and the country's key cocoa exports collapsed. What services did not close down for lack of funds were wrecked by Macias' often inexplicable decisions. Malabo's lone electric generating plant has been out of commission since it blew up two years ago after Macias decided that it should be operated without lubricating oil.

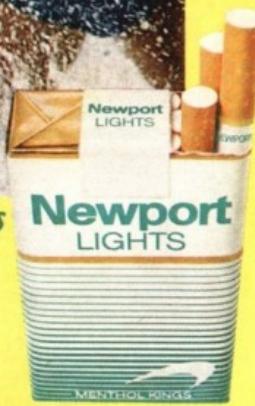
The treasury is bankrupt and civil servants have not been paid for six months. Everything is scarce but starvation and disease. But with Macias gone, if not in captivity, Guineans were jubilant. Foreigners arriving at the Malabo airport last week were greeted by smiling citizens who were eager to shake hands. Their message, as one young radio mechanic expressed it: "We are glad to see that man gone." ■

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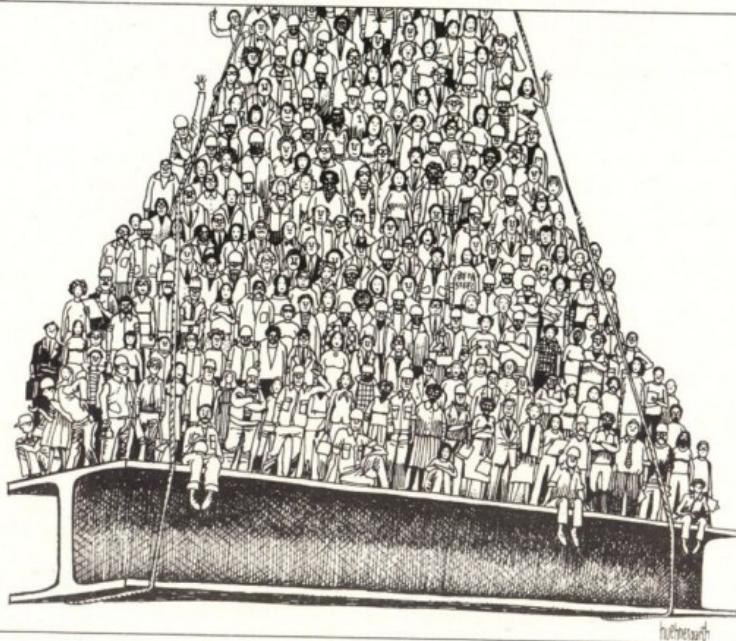


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World

ITALY

Pax Romana

After 186 days, a government

If nothing else, the Italian way of government almost slavishly honors traditions. One is the prolongation of political crises to a degree that commands the awe, if not exactly the envy, of the rest of Europe. Another is an unfailing respect for the sacrosanct mid-August "Ferragosto" vacation, when millions of Italians, especially the politicians, seek a respite from the inconclusive politicking of Rome and leap to the seashore like cats onto tuna.

Both traditions were faithfully upheld as Italy last week got its 42nd post-Fascist government: a three-party minority coalition headed by Christian Democrat Francesco Cossiga, 51, a surprising but respected choice. The formation of the new Cabinet ended what had appeared to be an insoluble political crisis lasting 186 days—a new national record—and dat-

problems of 15% inflation, 7% unemployment and nearly chronic terrorism.

Still, the new government offered a welcome if temporary relief from the grinding stalemate among the three largest parties, which have been unable to make the compromises necessary for a lasting coalition. The Communists, who dropped to 30% of the vote in last June's election, demand Cabinet seats in any government they support. The Socialists, who gained slightly, to 10%, want the premiership for themselves. The Christian Democrats, who maintained their predominance with 38%, refuse both conditions and cannot even decide which they might prefer.

Cossiga's government, in fact, was virtually foisted on the politicians by President Alessandro Pertini, 82. Exasperated by the failure of three successive Premiers-designate, he first threatened to go on television to denounce the party leaders. Then, after a quick shuffle of new names, he picked Cossiga as one on whom all parties could agree. As surprised as



Premier Cossiga leaves Rome's Quirinale Palace after accepting new mandate

A return from political oblivion and a pause to pray at Aldo Moro's tomb.

ing back to January when Premier Giulio Andreotti was toppled by the Communists' withdrawal of their parliamentary support. It also showed every sign of being a stopgap. "We will have a government of truce," quipped a deputy in a cartoon in Turin's daily *Stampa Sera*. "Hostilities will be resumed at a date to be agreed upon."

The centrist, 24-member Cabinet is composed of 16 Christian Democrats, six representatives from the small Social Democratic and Liberal parties, plus two unaffiliated technocrats. For parliamentary survival, it will have to depend on nothing more solid than the grudging abstention of Bettino Craxi's unpredictable Socialists. It will also have to contend with the opposition of Enrico Berlinguer's still powerful Communists. As a result, Cossiga hardly is in a position to make major decisions to deal with Italy's daunting

anyone else, Cossiga was packing his bag for a boating weekend with his family when the call came from Christian Democratic Party Secretary Benigno Zaccagnini: "Get ready. It's your turn."

For first-time Premier Cossiga, a Sardinian who happens to be a cousin of Berlinguer, it was a dramatic return from political oblivion. As Interior Minister during the Aldo Moro kidnap, he had opposed any bargaining with the kidnappers. When Moro was found murdered after 54 days, Cossiga took full responsibility and resigned the next day. By now, even Moro's widow reportedly has forgiven him. Cossiga, though, clearly has not forgotten. Before proceeding to the Quirinale Palace for the swearing-in of his "government of truce," he paused to pray at Moro's tomb. ■

*Andreotti, Craxi and Christian Democrat Filippo Maria Pandolfi.

Vietnam

Hanoi's Push

Refugees for recognition?

As if their international image were not tarred enough by the exodus of some 900,000 citizens over the past four years, Hanoi's Communist rulers have now suffered another blow: Hoang Van Hoan, deputy chairman of Viet Nam's National Assembly since 1976 and an old comrade of Ho Chi Minh's, fled to China, becoming the first high official known to have defected from what had always seemed a remarkably close-knit regime. In Peking last week, Hoan, 74, charged that his country's abuse of its ethnic Chinese minority was "even worse than Hitler's treatment of the Jews" and that Hanoi had become "subservient to a foreign power," meaning the Soviet Union.

Hoan was not the only voice raised against Hanoi last week. Earlier the regime had been stung by a remark by a member of a delegation of nine U.S. Congressmen who were journeying to Viet Nam to discuss the refugee situation. Massachusetts Democrat Robert Drinan told reporters the refugee exodus proved that Viet Nam was guilty of "one of the most fundamental violations of human rights in this century." The Vietnamese canceled the Congressmen's visit and reinstated it only after pleas from Washington.

Once in Hanoi, the Congressmen were treated with great warmth by Secretary of State for Foreign Affairs Nguyen Co Thach, who is pressing for U.S. recognition and an end to Washington's trade embargo against Viet Nam.

Hanoi's sense of isolation is particularly acute now because the peace talks with China have bogged down and fears are growing that the Chinese are preparing for a second invasion that might continue longer than winter's month-long incursion. Said Thach, speaking of Peking's leaders: "We are dealing with foolish men. Anything could happen."

Thach claimed that Hanoi has been holding secret talks with American officials on diplomatic ties. Serious discussions were indeed held in 1978, but the talks went nowhere because of American objections to the Vietnamese invasion of Cambodia and the repressive policies that caused the refugee problem.

Thach suggested that the U.S. might be more amenable to recognition now that Hanoi is moving to curb the refugee flow. The emigration of Viet Nam's ethnic Chinese would continue, he said, but in a more "orderly" way. In fact, the exodus of the boat people, which totalled some 110,000 during May and June alone, has all but stopped since July as a result of Hanoi's efforts to slow the flow. Indeed, Hanoi boasts that since June, it has prosecuted 4,000 people for running rackets to smuggle people out of the country. ■

World

THE HOLOCAUST

"Never Forget, Never Forgive"

A presidential commission journeys into the nightmare of the past

Fulfilling a pledge made on the 30th anniversary of Israel's founding, Jimmy Carter last year appointed a 34-member presidential commission on the Holocaust to develop a memorial in the U.S. to the 6 million victims of the Nazis' "final solution." Last week, as a first step in that effort, the commission toured the sites in Eastern Europe where the campaign of extermination of Jews took place in a search for historical material that could be included in American archives on the Holocaust. The only journalist to accompany the group was TIME Senior Editor Stefan Kanfer, author of *The Eighth Sin*, a fictional account of the Nazi slaughter of European gypsies. His report of the journey:

There are almost as many vows made on the White House lawn as there are blades of grass. But there were almost as many victims of the Holocaust, and when Carter promised to create a living memorial to the Jews killed by the Third Reich, he might as well have carved it in marble.

Within weeks the nucleus of a presidential commission was formed: Senators Claiborne Pell, Frank Church and Henry M. Jackson signed on; so did Congressmen and scholars, fund raisers and survivors of Hitler's death camps. The President named Novelist and Essayist Elie Wiesel chairman of the commission. It was a natural choice. At 50, Wiesel has the bearing and diction of an Old Testament prophet. His books and many articles are scrolls of agony, depicting aspects of the Jewish tragedy of the '30s and '40s that, in his view, "blighted and still blights civilization."

On the flight to Warsaw, Historian Raul Hilberg (*The Destruction of the European Jews*) regarded the few survivors among the travelers. "They have three things in common," he noted. "They're all in their 50s or early 60s, they all still have incredibly fast reactions and, with the exception of Wiesel, they are not strong on philosophy."

Soon after the plane arrived, the group was taken to the site of the Warsaw ghetto. Every building, every person, had literally gone up in smoke when German troops annihilated the last holdout of Warsaw Jewry in 1943. At the steps of the monument, New York businessman Benjamin Meed, who had been smuggled out of the ghetto just before its destruction, read his simple statement: "I hear

once again their very last command to us all: 'Pamiętaj! Remember! Never forget and never forgive!' Later, racked with sobs, he recalled the years of hiding and flight. "On the last day I heard some Poles shouting, 'Look at the Jews fry!' as the ghetto flamed. But I also owe my life to Polish Christians who kept me and my father hidden in a cemetery, where we lived for over a year." He shrugged. "There is good and bad in all."

New Jersey Petroleum Executive Miles Lerman, a survivor of Nazi slave labor camps in Russia, agreed. "There is no way to measure what the Germans did against the helpless. Still you can't allow it to kill your own life. You must go on. And speak out: about Africa, the boat people, anyone in trouble."

Isaac Goodfriend, the ebullient cantor of an Atlanta synagogue and singer of the National Anthem at Carter's Inauguration, also returned without bitterness. Hidden by Polish farmers, Goodfriend came back 35 years later to the house of



Mrs. Lerman comforting daughter at Birkenau

his saviors with presents and memories. The family reciprocated—with a lunch of Polish ham. Said Goodfriend: "They never did know what kosher meant. But they defined decency."

There were no echoes of decency at the next stop, a short bus ride from Warsaw. In 1943 the outside of Treblinka was designed like a Hollywood set to assure the arriving victims and make them easier to manage. Bewildered Jews, released from cattle cars, saw a mock railroad station, complete with buffet and flower beds. Hours later the passengers were forced to strip and take "showers." They were crammed

into gas chambers so tightly that babies were often thrust in over the heads of adults. The doors were then closed and the gas jets turned on. There were few survivors of Treblinka. In shame the Germans later tore down the camp's structures, and now all that stands on the bare acreage is a kind of modern Stonehenge. So many people were murdered there that the vast parade of rocks bear the names of cities rather than individuals. Around the stones are stands of tall trees whose leaves moan endlessly in the wind.

A more silent and harrowing arena awaited the group in Auschwitz, not far from the city of Cracow. Here, in 1944, the killing machines operated with irrational efficiency. Even when the Germans needed rolling stock to bring their own wounded soldiers back from the front, the railroad cars of Auschwitz kept on rolling.

Hannah Rosensaft, a plump, cheerful passenger through the early journey, held back tears for as long as she could. But the survivor of Auschwitz could find no consolation. Behind great glass containers the story of the prisoners was presented in mute detail: a room of human hair, to be used by the Reich for textiles; a room of confiscated Jewish prayer shawls. Commission members could see the gas chambers near by, but what no one could see, except the survivors in their minds' eyes, was the process of selection that led to death. A former prisoner testified in an Auschwitz guidebook: "During the selection of children, the SS men had placed a rod at the height of 1.20 meters. Children who had passed under the rod would be gassed. Small children, knowing what was awaiting them,



Rustin singing spiritual at Babi Yar monument

An attempt to stop the unbearable past from receding.

tried hard to push out their necks when passing under the rod, in the hope of escaping gassing."

One of those children, Elie Wiesel, led the commission on to Birkenau, the neighboring camp, where crematories once burned night and day. Linking arms with four other survivors, Wiesel marched over the tracks that had brought him here a world ago and laid a wreath on a monument to the fallen. "Do not let your eyes deceive you," he said quietly. "No sun ever shines here. Those who perished at Birkenau have not even a cemetery. We are their cemetery." Sigmund Stroblitz, a Connecticut automobile dealer, recalled his arrival at Birkenau. "The day I got here I saw the chimneys vomiting black smoke. That day I became an orphan. But I did not know it. The next day I learned my friends were no more. On the third day they told me I was dead. And maybe I am."

In Poland, Wiesel met again and again with government officials to try to persuade them to share materials and records of Polish Jewry that they had withheld for almost 40 years. Repeatedly he managed to gain concessions. Exhausted, as lean as a Giacometti sculpture, Wiesel walked through the Jewish cemetery in Warsaw, past the forest of neglected tombstones, until he found one that seemed to summarize his mission: the carved figure of a man who died in 1943, holding in his hand the final symbol of the ghetto struggle, a grenade.

In the Soviet city of Kiev, the group stood at Babi Yar, where during two years of Nazi occupation some 80,000 Jews were killed and thrown into a mass grave. Here a stark sculpture of monumental figures rises from a knoll. But the only evidence that Jews died here were the Hebrew words from Job, "Earth do not cover my blood," on the memorial wreath presented by the commission. Oddly, it was two non-Jews who did most to recollect the past. In his great poem, *Babi Yar*, Yevgeni Yevtushenko reminded his countrymen back in 1961, "I stand terror-stricken. Today I am as ancient in years as the Jewish people themselves are ... I myself am like an endless soundless cry, over these thousands and thousands of buried ones." Eighteen years later, Black Activist Bayard Rustin stood before a vast assemblage of commissioners and Soviet sightseers and sang the spiritual that once nurtured Martin Luther King Jr.:

*Before you'd be a slave
You'd be buried in your grave
And go home with your God and
be free.
We'll remember, we'll remember
thee.*



Goodfriend and Pole who sheltered him



Commission members inspecting crematorium at Auschwitz



Wiesel visiting Moscow synagogue
Is goodness as inexplicable as evil?

In Moscow, the only monument was a single synagogue. About 100 old men, their Rembrandt faces limned by faith, prayed as their ancestors have done for thousands of years. Here Rabbi Michael Berenbaum, 34, deputy director of the commission, read from *Lamentations*: "Remember our days as of old, except if you have scorned us utterly."

Again in Moscow, Wiesel pressed for records withheld since the end of the war. And again he succeeded. Roman Rodenko, the Soviet prosecutor at the Nuremberg trials, praised Wiesel's mission as "noble"; Soviet historians and writers first insisted that only Soviet citizens died in the war, not Jews as such. But they ended by promising copies of documents and inviting an exchange of scholars.

In Scandinavia, no concessions had to be wrung from the government or from private sources. During the German occupation, Denmark had saved some 7,000 Jews by spiritizing them to Sweden; and before he disappeared in Russia, Raoul Wallenberg, a Swedish citizen, had saved nearly 30,000 Hungarian Jews by arranging special trains and supplying false papers. Yet no matter how the commissioners praised members of the Danish resistance, the veterans kept insisting that they had only done "the normal thing." Conceded Christian Theologian Roy Eckardt, chairman of Lehigh University's religion department: "Perhaps it was the normal thing. Maybe goodness is as incomprehensible and mysterious as evil."

In Israel, the group toured Yad Vashem, Jerusalem's graphic memorial to the Holocaust. Passing the photographic murals of atrocities and victims, Professor Yaffa Eliach of Brooklyn College kept remem-

bering the cries of her infant brother as they hid in Vilna until at last he was smothered by adults who feared that he might give them away. "There is an unbridgeable difference between those who went to the camps in the '40s and ourselves today," she insisted. "We have round-trip tickets. They didn't. It is impossible to fully recall the horror."

Then why try? Why not let the unbearable past recede into the anaesthesia of history books? "Simply because we can't and still call ourselves human beings," said Wiesel at journey's end. "We do not have this commission simply to remember, but to warn. Last time it was the killing of the Jews, then the attempt to annihilate humanity itself. Between the two came the sin of indifference. Today when we hear the word holocaust it is preceded by the word nuclear. If there is to be no new holocaust, first we have to look backward and learn. We hope this mission is a beginning. For if we forget, the next time indifference will no longer be a sin. It will be a judgment."

Time Essay

Local Chauvinism: Long May It Rave

San Francisco, last week's nearby earthquake notwithstanding, still insists that it is the nation's best city to live in. Virginia smugly assumes the primacy of her heritage as the Mother of Presidents, even though (as North Carolinians like to note) she has not been pregnant since the 19th century. Similarly, the Midwest, beneath that humble mien, firmly believes itself to be the "true America" that many observers have christened it. Some areas even become perversely vainglorious about their shortcomings; a New Jersey magazine not long ago featured an article revealingly titled: "How New Jersey Became a Joke."

Despite the many and persistent theories about the homogenization of America, the remarkable fact is that virtually every community and region in the nation remains convinced of its own distinctiveness and proud of what it considers its superiority in one respect or another. In short, local chauvinism is alive and well and residing—where else?—in every best damn state/city/town/county/region in the good ole U.S.

In fact, though hardly new, the chirp and bleat of parochial pride is more blatant than ever. The simple reason: these days the old hooray for the home team gets amplified by all the techniques typical of the age of hype. Localities and larger principalities routinely hire professional publicists and jingle writers to puff up the old image and help sell it like so much soda pop. Provincial self-gloryification is both nourished and exported in a growing number of slick regional and city magazines. Moreover, metropolises and counties now go to exorbitant lengths to build spectacular sports arenas, convention centers and cultural palaces, ostensibly to serve the public but also as a form of chest thumping. St. Louis has constructed an enormous and now familiar arch with no clear purpose other than to provide something for the town to brag about besides the Mississippi River. Today, it seems that every place is willing to suffer almost anything to get its picture on television or into films. Chicago, merely to smuggle itself into a new John Belushi movie, has just authorized the film company to tie up vital traffic along Lake Michigan for hours and send a car crashing through the enormous windows of the Daley Center Building.

Even the world's supposedly greatest metropolis has lately begun to sound like one of those boosteristic burbs that Sinclair Lewis used to deride. There was a day when New York City was so smug, haughty and complacent about its firstness that Author Irvin Cobb thought the place possessed "absolutely not a trace of local pride." Yet in the 1970s, the Big Apple, as the city now cutely calls itself, has been larding the air waves so much with a treacly, self-addressed valentine of a song ("I love New York!!!!!!") that even a tone-deaf statistician might wonder how all the fleeing industries and corporate headquarters failed to get the message.

By its nature, to be sure, the voice of local pride always tends to reek of too much protest. And professional sloganizing is only the froth on the sea of real, continuing chauvinism. The parochial boast occurs everywhere, and its inspiration can be anything: a product, a geographical feature, the weather (good or bad), even notoriety. Many a place, in the Dodge City tradition, has nurtured its morale on a reputation for meanness: Harlan County, Ky., is famous for little else. Arizona hymns its dry air; Louisiana often builds a brag on its murderous humidity. Amarillo, Texas, brags about its yellow dust. Nashville has a swelled head over the racket, only occasionally musical, that it produces; Memphis lauds

itself about the special quiet it has enjoyed ever since the late Boss Ed Crump banned auto horns. Apalachicola, Fla.? The oyster is its world. Hope, Ark.? The watermelon is its. If some places—Podunk, Peoria and Kalamazoo as well as New Jersey—take unexpected pride in being the classic butt of vaudeville jokes, others seem to get a chauvinistic glow from the fact that they resemble a distant locale. Birmingham, Ala., for instance, has long saluted itself as the "Pittsburgh of the South." This seems even more odd when it is recalled that many a Pennsylvanian, most of them in Philadelphia, has been heard to ask: "Where's Pittsburgh?"

Local chauvinism habitually thrives on the disparagement of rival places or areas. Thus Minneapolis enjoys writing off St. Paul as though it were a mill village, and Dallas takes malicious glee in depicting Fort Worth as the sticks. South Dakotans often pretend to believe that North Dakotans are an alien race, and northern Californians regard the state's southerly part as a land of incurable kooks. Chronic twitting, in fact, may be taken as a sure sign that provincial pride is robust.

Everybody, of course, picks on Texas, and rightly so. Tex-
as, after all, has imagined itself to be No. 1 in chauvinism ever

since the days of Sam Houston, who proclaimed: "Texas could exist without the U.S., but the U.S. cannot, except at very great hazard, exist without Texas." Thanks to its flamboyant style of braggadocio, Texas is indeed among the front runners in the American art of blowing hard, excelling in what Edna Ferber called the knack of "confusing bigness with greatness." Yet the truth is that in patrician Boston the chauvinism is just as dependable, and its expression as fulsome, as anywhere in the Lone Star State. The chauvinist spirit is more polished in Boston but, after all, it was born close by, at Plymouth. It had been perfected by the time Oliver Wendell

Holmes spoke of the Massachusetts statehouse as "get this—the hub of the solar system." The same spirit lingers yet in Boston and was glimpsed this year when the city exploded with indignation at a proposal to move its Gilbert Stuart portraits of George and Martha Washington to Washington, D.C. Horrors, said Boston Mayor Kevin White: "Everybody knows Washington has no culture."

Was the nation miffed by this breathtaking insult to its capital? No, because the larger truth is that self-admiring localism is as American as pumpkin pie. The U.S. got stitched together out of a sprawling fuzz of self-contained colonies whose fierce attachment to their little domains provided one of the knottiest obstacles to union. Later, ferocious regionalism helped contrive the nation's definitive crisis, the Civil War. After poking around in every cranny of modern America, Journalist John Gunther concluded a generation ago that for all its dazzling communications the U.S. was "enormously provincial."

The fact that the situation has not changed is no cause for alarm. Still, the reality ought to be noted by anybody interested in understanding the mood of the country. President Carter did little harm to anyone but himself in complaining that Washington was an "island," but it might have been useful if he had remembered that the country is nothing but a miraculous jell of metaphysical islands. Now and then, at inaugurations and wars and such, they act like a single nation. But, day in and out, home for a great many Americans is not only where you hang your hat and scratch where it itches, but the only place on earth worth living in.

—Frank Trippett





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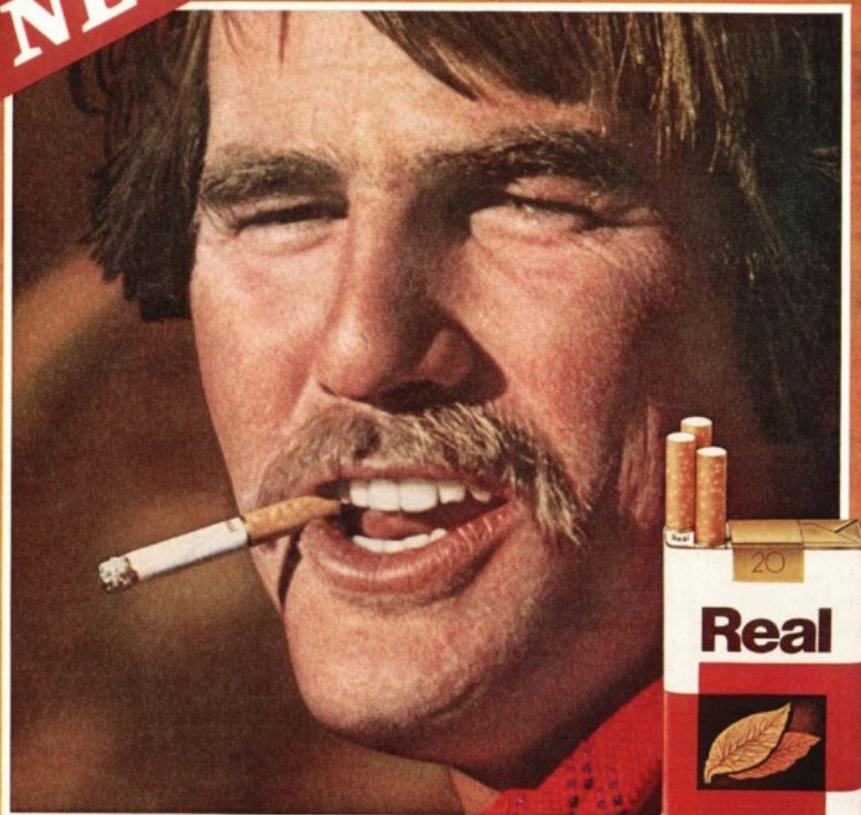


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Like markers in a cemetery, unsold Chrysler cars and vans are stockpiled at Windsor Raceway outside Detroit; inset: the company logo

JURGENS CLARK

Economy & Business

Chrysler's Crisis Bailout

Questions about whether a quick federal fix is right—and will be enough

The Carter Administration decided last week that now was the time to come to the aid of the nation's most beleaguered major company. After weeks of rising pressure for a federal fix for the multiplying problems of Chrysler Corp., Treasury Secretary G. William Miller produced—and Jimmy Carter approved—a Government bailout. It was designed to prevent the nation's No. 3 automaker (1978 sales: \$13.6 billion) from sliding into a bankruptcy that could have put many thousands out of work and sent a shudder through U.S. financial markets. Beamed Chrysler Chairman John Riccardo: "We are extremely encouraged. This fits the bill."

In his first public act at the Treasury, Miller spelled out the ideological ground rules of federal aid and warned other troubled companies against expecting similar help. Such assistance, he said, "is neither desirable nor appropriate, being contrary to the principle of free enterprise." But Chrysler was an unusual exception, he added, in which the Administration "recognizes that there is a public interest in sustaining [its] jobs and maintaining a strong and competitive national automotive industry."

Despite Chrysler's immediate enthusiasm, the Treasury package falls far short of what the company sought. It does not give Chrysler the \$1 billion cash aid that some analysts insist is the minimum it needs to keep going until late next year. That is the earliest time Chrysler can expect to make money from the new generation of front-wheel-drive compact cars now being developed by President Lee Ia-



Miller announcing Government's rescue



Riccardo, who is "extremely encouraged"

Next year's move may be an Oliver Twist.

cocca, who will replace Riccardo as chief executive by this year's end.

The Government rejected Chrysler's plea that it receive aid in the form of either federal tax refunds or immediate relief from having to meet the costly safety, environment and mileage standards on new cars. Miller said the former idea would amount to an "interest-free, unsecured cash advance from taxpayers' funds." Instead, he recommended Government loan guarantees that will have to be approved by Congress and will "total considerably less than \$1 billion." Treasury aides were understood to be thinking of \$500 million to \$750 million over a limited period. With those guarantees, the company would be able to borrow from private bankers who would otherwise turn down Chrysler as an unacceptable high risk. In case of default, taxpayers would be left holding the bag, and the Government would probably have to take over Chrysler and hope to sell off its vital parts.

Wary of Congress's reluctance to bail out Lockheed in 1971 and New York City in 1975—the legislators finally voted for both programs by small margins—the Carter Administration laid down basic conditions that Chrysler will have to meet. Its managers, said Miller, must draw up "an acceptable financial and operating plan" for dealing with the company's short- and long-term problems as well as spelling out its cash needs. This strategy will have to include sacrifices by everybody with an interest in saving the company: management, stockholders, employees, bankers and suppliers. Only such

Economy & Business

an effort can ease the Chrysler crisis. The long troubled company lost \$204.6 million last year but topped that in this year's second quarter alone, when it ran \$207.1 million in the red. Faced with the possibility of a shattering loss of more than \$500 million for 1979, Chairman Riccardo held out the hand for \$1 billion in federal aid.

Early last week evidence of the company's woes increased. Chrysler announced that another 4,600 workers had been laid off, bringing the total to 23,800, nearly a quarter of its normal blue-collar force. Chrysler also reported that, partly to save money, it was pulling out of a proposed joint venture with a Taiwan company to produce trucks. Iacocca disclosed that the company was considering dramatic cash rebates to customers of up to \$500 a car; the aim would be to clear its staggering factory stockpile of nearly 80,000 unsold vehicles, valued at just under \$700 million. Chrysler still has some 1978 models unsold, and, at current levels of demand, more than 200 days' supply of many of its 1979 cars.

The company specializes in making larger cars, vans and recreational vehicles. Since the gas crisis started, sales of these relics have, in Iacocca's words, "been dropping like a rock." In this year's second quarter, unit sales were down 28% at Chrysler, compared with 27% at Ford and 15% at General Motors. GM and Ford, being bigger, are better able to withstand downturn. Also, they normally manufacture cars only after dealers order them; alone among the Big Three, Chrysler until recently produced autos essentially on speculation and then tried to market them to dealers. Because its dealers' lots are overflowing with slow-selling cars, Chrysler has been forced to add to its own sprawling stockpiles. Inflation raises the cost of financing this inventory and adds to the company's financial burden. The wholesale price index in July jumped at a 14% rate, the worst since February.

Since earlier this year, when the bond-rating agencies downgraded the company's credit and thus effectively prevented it from raising any further funds in the public markets, Chrysler has had to live off its own flesh and bone. Following earlier sales of some or all of its interests in France, Britain, Brazil, Argentina and South Africa, the company in the past few months has announced the closing of two U.S. plants.

Still, Chrysler's working capital—the difference between current assets and current liabilities, which is one measure of its ability to pay its bills from its own resources—has dropped from an acceptable \$1.1 billion early this year to a weak \$800 million in June. The figure now is still lower, and stock analysts predict that it could shortly fall below \$600



UAW President Fraser rejects a pay freeze

But they seem ready for smaller raises.

million. That would violate the fine print of the company's 1977 revolving credit agreement with some 180 banks and could place it in technical default on \$567 million in debt.

The roots of this crisis are old and deep. In the 1960s, under Chairman Lynn Townsend, Chrysler glanced jealously at the worldwide power of both GM and Ford and tried to emulate them by expanding rapidly at home and abroad. The forced growth was ill-timed, haphazard and too fast. Chrysler entered the 1970s lacking the financial resources to weather three recessions, two oil crises and an enormous wave of environment, safety and fuel-economy regulations.

When Riccardo took over in 1975, the public was demanding smaller, more fuel-

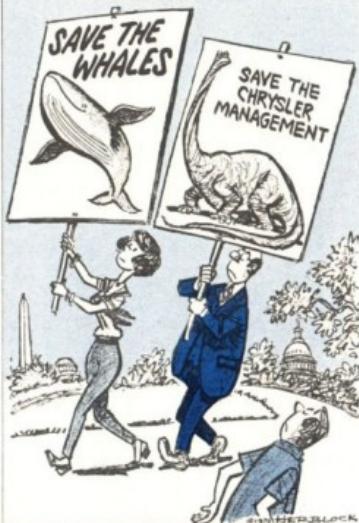
efficient cars, but Chrysler, unlike GM and Ford, lacked the money to retool and redesign quickly. With smaller sales than the other two automakers, Chrysler had to spend nearly twice as much per vehicle to meet Government rules. Pressed for cash, the company had to slash its budget for plant modernization.

Now Chrysler appears to have one hope: to stay solvent in any way possible until Iacocca, who is to a auto sales what Patton was to tank warfare, can bring forth the cars to save the company. He will need help—and not just from Washington. The United Auto Workers rejected his plea for a wage freeze, but delegates from its Chrysler council agreed to reconsider making concessions once the UAW agrees to a new three-year contract with GM and Ford. Said UAW President Douglas Fraser: "We'll take into consideration whatever is needed for the survival of Chrysler Corp." The union probably will accept smaller raises at Chrysler than at GM and Ford.

As for other sacrifices, common stockholders will have to wait a long time for dividend payments to resume. Top managers could well announce token salary cuts* and the sale of the company's three corporate jets. Bankers may have to accept deferred payment and lower interest. A committee representing Chrysler dealers has offered to lend the company \$50 for every car they receive—a deal that ultimately could amount to an interest-free credit totaling \$120 million. Iacocca has already confirmed that certain suppliers have agreed to extend terms of payment. Chrysler has also asked some to cut prices by as much as 20%.

Chrysler may have to sell off some more operations. Its small marine products division, which makes outboard motors and boats, and its 15% investment in France's Peugeot could well go on the block. The company may also sell one or more of its U.S. engine or transmission plants to a major importer like Volkswagen or Japan's Honda and work out a deal for Chrysler to buy back some of the production. In sum, the company will have to accept a reduced role in the auto market.

The combination of squeeze and sacrifice is expected to meet the Treasury's conditions, but Congress will be harder to sell. The aid package will go before the banking committees of both the Senate and the House. Their chairmen, Senator William Proxmire and Representative Henry Reuss, both Wisconsin Democrats, opposed aid to Lockheed. "A terrible precedent," said Proxmire of the proposed Chrysler deal. Reuss expressed distaste for guaranteeing



*Last year Riccardo earned \$343,339. In 1979, his first full year as Chrysler chairman, he was promised to earn \$360,000, on top of a \$1.5 million bonus, paid over 1979 and 1980, for joining the company.

loans for Chrysler to build "gas guzzlers" that nobody will buy."

The congressional debate will resurrect all the arguments for and against giving federal aid to any company. There is a strong case that such help rewards failure and penalizes success, puts a dull edge on competition, is unfair to ailing company's competitors and their shareholders, and inexorably leads the Government deeper into private business. Why should a huge company be bailed out, say critics, while thousands of smaller firms suffer bankruptcy every year? Where should the Government draw the line? GM Chairman Thomas A. Murphy has attacked federal help for Chrysler as "a basic challenge to the philosophy of America." Hearing that, the UAW's Fraser, with equal hyperbole, called Murphy "a horse's ass." In short, emotions are high, and there are no clear, simple answers.

Supporters of aid argue with passion that the U.S. cannot afford the failure of a company that is the nation's tenth largest manufacturer, its biggest builder of military tanks and one of only three major domestic competitors in its supremely important automotive industry. A Congressional Budget Office study concluded last week that a complete Chrysler shutdown would cost 360,000 workers their jobs immediately, and that ripple effects throughout the economy could throw an equal number out of work.

Yet all those arguments can be countered. Even if Chrysler were to fail, another company would take over its tank business; the domestic auto industry would remain competitive because Volkswagen is expanding production in the U.S.; other auto manufacturers would enlarge their production—and hire plenty of workers to meet it. Still, the threat of unemployment, even if temporary and spotty, was the decisive point for Administration policymakers in this pre-election, recession year.

Congress can also consider that if Chrysler fails, the federal Pension Benefit Guaranty Corp. may have to assume responsibility for about \$800 million in insured but unfunded pension obligations to the auto company's employees. "That would be catastrophic," warned one agency official. To pay the bill, the PBGC would have to get special congressional approval to raise the fees that it charges for insuring other companies' pension funds.

Since Chrysler, by its own reckoning, is now spending at a rate of about \$100 million a month, guarantees for even \$750 million in new debts (on which interest would have to be paid) will not go very far. Next year the company will have to repay or renegotiate \$303 million in European loans and \$284 million in U.S. borrowings. The prospects are good that the company, after a hard fight, will win congressional approval for aid in 1979. But the chances are also strong that hungry Chrysler, like Oliver Twist, will return for more some time next year.

That New Energy Buzz Book

Putting a lot of chips on conservation and solar power

It hardly seems the stuff of which best-sellers are made. Academic in tone, occasionally plodding, inundated by footnotes, the nation's latest buzz book is not a fast summer read. Yet in only one month in the stores, more than 35,000 copies of *Energy Future* have been sold at \$12.95 each, and Random House is beginning a fourth printing.

Energy Future is the result of a six-year project directed by Professor Robert Stobaugh of the Harvard Business School and the book's co-editor, Political Scientist Daniel Yergin, a lecturer at Harvard's Kennedy School of Government; five Harvard Business School faculty members and doctoral candidates contributed to the book. Some chapters were written by one or two team members, but the whole group supported the findings.



Conservative Advocate Daniel Yergin

Giving up rather easily on fuels that still hold promise.

Though Harvard sponsored the project, the university does not endorse works done by its faculty.

In large part, the book is popular because fervid environmentalists can find in it justification for their thesis that nuclear power and coal are dirty, dangerous and unreliable, while solar energy and conservation are good and can provide the necessary energy. Yet the authors take pains to distance themselves from the small but vocal faction of extremists who hope that energy shortages will hold back technology, slow industrial growth, break up large industry and fragment society into smaller groups of people, tending their own gardens and building their own windmills. As the Harvard experts stress in Chapter One: "We do not side with those romanticists who have a vision of the national life decentralized in many spheres through the mechanism of the en-

ergy crisis to a point where it becomes a post-industrial pastoral society."

The book's basic thesis, which was reported in *Foreign Affairs* and TIME last spring, is both conventional and uncontested. It is that the nation's four basic fuels—petroleum, natural gas, coal and nuclear—are either depleting or face strong public opposition, and new energy sources must be phased in before the old are totally exhausted. The surprising aspect of *Energy Future* is its optimistic assessment of the potential of solar energy and conservation to carry the load as those "new sources."

The chapter on solar energy, written by Modesto A. Maidique, a business school assistant professor, is unabashedly bullish: "Given reasonable incentives, we believe that solar could provide between



Project Director Robert Stobaugh

a fifth and a quarter of the nation's energy requirements by the turn of the century." The Harvard researchers have adopted the Department of Energy's extremely broad definition of solar to include not only power from the sun's rays but also hydropower and energy derived from the burning of "biomass," which includes wood, plants and other organic matter. The chapter's supposition is that rising costs of fossil fuels will make the installation price of solar heating an extremely attractive investment to homeowners, yielding as much as 17% annually. Although the Harvard researchers propose more than \$1 billion in Government subsidies for research into high-technology solar devices, such as sun-deflecting satellites and photovoltaic cells, they assert that "new technology is not required to realize solar's potential."

Those assumptions are highly ques-

Economy & Business

Synfuel Success

Alchemy in South Africa

tionable. At present, broadly defined solar provides less than 6% of the nation's energy needs; some other studies anticipate that solar could supply no more than 10% by the year 2000.

The conservation chapter, written by Yergin, is more persuasive though somewhat extravagant. He argues that with only minor adjustments in life-style and no decline in economic growth, Americans could consume 30% to 40% less energy than they do today. In the book's best passages, Yergin cites illustrations ranging from Dow Chemical's 40% reduction in energy use to Colgate-Palmolive's 18% cutback to show that many companies have continued to expand while saving energy. The examples are impressive. Nonetheless, there is a critical point at which sizable reductions in energy could provoke a tailspin in U.S. industrial expansion.

Yergin also points out that buildings and residences, which now use 38% of the nation's energy, could be made much more fuel-efficient. The need is for intelligent construction codes and relatively simple improvements in insulation. All told, the Harvard team believes that solar and conservation can cover 22% of the nation's energy needs by the late 1980s—and up to 40% by century's end. These are enormously high estimates.

At the other extreme, the Harvard study is gloomy to the point of being defeatist about fossil fuels. *Energy Future* offers no hope that much new oil can be found in drilled-out America. The authors largely write off as impractical the attempts to recover left-behind oil in old wells. Natural gas, in their view, also has a dim future because proven reserves have been steadily shrinking. Even before Three Mile Island, notes the book, nuclear power was declining. Finally, mining, transportation and pollution problems rule out big increases in coal production.

The book's main flaw is that it gives up too quickly on the existing fuels, while placing too much faith on the unproven performance of solar and conservation. Both of those deserve to be encouraged, but so do existing and future fuels. Oil can be stretched by technological ingenuity, and the potential for developing the nation's shale resources is vast.

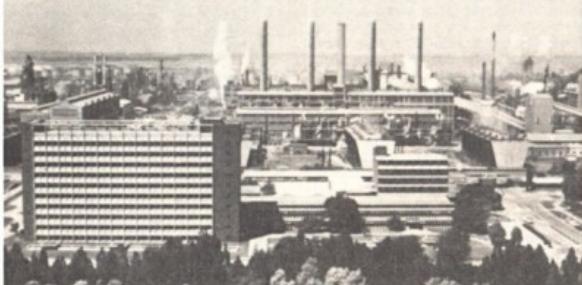
The book went to press, of course, before President Carter made his bold proposal for a crash program to produce synthetic fuels from sources as varied as shale, coal, sugar beets and even garbage. Congressmen are increasingly worried that his program may be too costly, too ambitious, too bureaucratic. Yet synfuel is precisely the sort of project, though dismissed by the Harvard experts in advance, that holds tremendous promise. Already, synfuel is being produced economically abroad. For the U.S. to downplay it and put most of its chips on solar and conservation would be a bad bet. ■

A labyrinth of pipes and valves, tanks and towers rises above the flat bushy land 60 miles north of Johannesburg. At night chimneys spew a gas that casts an eerie orange glow over the surrounding expanse of coal fields. Downwind from the plant, 35,000 people live in Sasolburg, a city of green lawns and broad highways. Their job: to produce Sasol, a synthetic oil made from coal.

South Africa is ahead of the U.S. in its development of synthetic fuel. For a country boycotted by most of OPEC and without its own oil reserves, necessity has fired innovation. Sasol now provides less than 10% of the 240,000 bbl. a day of oil that South Africa requires, but the country is spending \$6 billion to build two more Sasol plants, which are expected to meet about half of its needs by the early 1980s.

big cylindrical vessel until a gas forms above the ashes. Once the gas is cleaned of impurities—yielding valuable chemical byproducts in the process—it is mixed with a catalyst made of iron and other substances. This catalyst transforms the gas into liquid oil. Production costs amount to \$17 per bbl. That is well below the OPEC price of around \$20 per bbl. and much less than the \$31 per bbl. that South Africa would have to pay on the spot market.

South Africa has contracted with Fluor Corp. of Irvine, Calif., to build the two additional, much larger plants. Sasol II is being put up 100 miles from the present plant. The \$2.9 billion Sasol II will be environmentally cleaner: precipitators above the boilers will extract chemical fumes and reduce air pollution, and water will be recycled rather than dumped in rivers. In addition, productivity will be higher: 1.78 bbl. of synthetic oil from each ton of coal, vs. 1.26 bbl. at present. As soon as that plant is finished next February, construction will



Turning coal into black gold: SASOL I produces almost 24,000 bbl. a day of synthetic oil. With two better plants abuilding, half the country's needs will be met in the early 1980s.

South Africa was early to capitalize on its coal resources, estimated to be 25 billion tons, or about one-seventh of the U.S.'s total. In 1950 the South African Coal, Oil & Gas Corp., known as SASOL, was formed and by 1955 Sasol gasoline was being sold. The state-owned company, which charges just over \$2 per gal. of gas, began showing a profit in 1973 and last year had pretax profits of \$140 million on sales that totaled close to \$1 billion. Although environmentalists were alarmed at the potential damage—indeed, smoke often hangs like a gray curtain for days over Sasolburg—people are now prepared to accept the air pollution at the remote site. Says former SASOL Chairman Pierre Etienne Rousseau: "The oil supply situation shocked many of us into a new sense of reality."

Precise details of the process are state secrets, but the general outlines are known. To extract the oil, the Sasol plant burns coal with oxygen and steam in a

start near by on Sasol III. Once the three plants are in operation, they will save an estimated \$400 million a year in foreign exchange and produce about 112,000 bbl. of oil a day.

This would be a drop in the oil bucket in the U.S., which uses 17.6 million bbl. a day. But even though Sasol production is helped by South Africa's exploitation of cheap black labor and the low cost of coal, SASOL's success indicates that synfuels may be a solution to future shortages. South Africa Economic Affairs Minister J. Christiaan Heinus notes: "We are well aware of how we stand on the energy situation, and we are considering all alternative sources." They include plans to build plants that will convert wood and cassava into methanol, and sugar cane into ethanol. The most basic campaign: flower power. The Minister of Agriculture is also encouraging farmers to grow sunflowers and extract the oil, to be used instead of diesel fuel in tractors. ■

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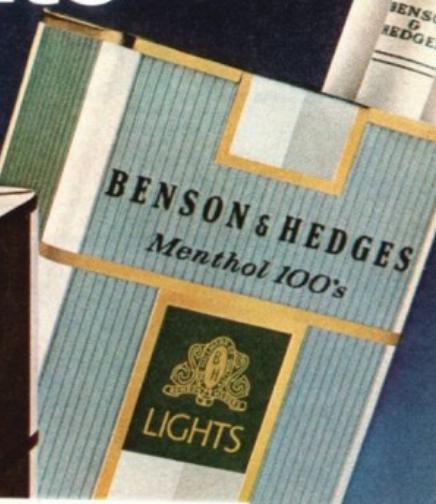
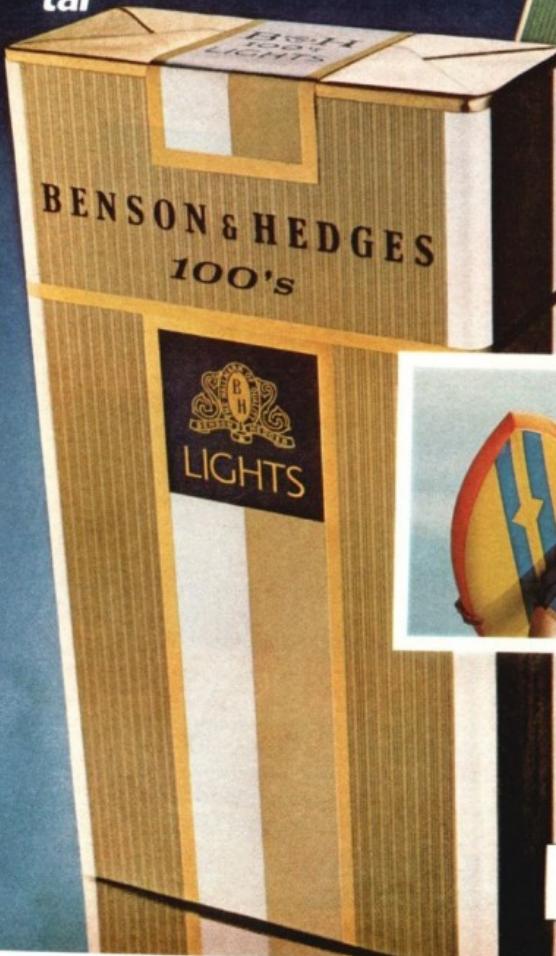
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Economy & Business

Take Cash and Skip the Tax

Latest dodges: barter, street hawking and "hiring a horse"

While the economy is dipping into a recession, a much noticed but little recorded sector of American business activity is thriving as never before. It is the underground economy, an illicit system of cash and barter in exchange for goods and services. Because it operates beyond the statistician's reach and the tax collector's grasp, no one knows its exact size and scope. But various learned economists, who find this fast-growing sector to be a fertile field for academic investigation, estimate that it runs to hundreds of billions of dollars a year.

Parts of the underground economy are highly visible. Most big cities are awash with street hawkers, who sell from boxes and truck tailgates an astonishing variety of jewelry, clothes, toiletries, fruits, vegetables and assorted schlock. Some of the stuff is "hot"; last year about \$2 billion in merchandise and food was hijacked from trucks or stolen from warehouses. The rest is distress merchandise that has not moved on the store shelves and is dumped at large discounts to middlemen, who field it out to street hawkers. City governments are trying to collect sales taxes from the vendors, but the vast majority pay nothing.

The biggest dodge in the underground economy is carried out by people who may pay tax on part of their income but demand the rest in unreported cash, usually in convenient large-denomination bills. One sign of this trend is the fast rise in the number of \$100 bills in circulation—some \$82 million today vs. 267 million only three years ago. In addition to his regular job as a mechanic, Mike does bodywork on damaged autos in San Francisco for cash on the cylinder head and pockets \$100 to \$200 a month in undeclared income. Bob, a Santa Cruz, Calif.,

bartender, declares his \$5 hourly wage but not his \$100 weekly take in tips. "You don't have to worry about getting caught," he explains. "It's your word against the IRS."

Jerry, a Cincinnati lawyer, provides "free advice" to an employment agency for domestics. In exchange, the agency sends a maid every week to clean his apartment—gratis. Jerry "makes" \$1,500 a year in unreported income on the deal. Don, a Chicago social worker, pays only \$90 for a \$260-a-month apartment by filling in at night as the building custodian; he saves \$2,040 a year and breaks federal law by not reporting it as income. Eddie, who pays taxes on his earnings as an apartment superintendent in New York City, clears an additional \$250 a week in tax-free cash by driving a cab when the owner is not using it. "That's better than making \$350 or \$400 on the books," he boasts. The cab owner is equally pleased since he pays no taxes on the money that Eddie gives him to "hire the horse," that is, use the taxi.

A young woman has begun to make a small fortune on Wall Street by selling municipal bonds to doctors and dentists. They pay in cash from earnings they have not reported to the Internal Revenue, and there is no record of the bond purchases because they are so-called bearer bonds and therefore do not carry the name of the owner. Gambling casinos are surging in part because they are convenient places to spend cash. Says Albert

"Not quite. All employees who earn more than \$20 a month in tips are supposed to report their gratuities to their employers, who then are required to withhold an appropriate amount for taxes. Furthermore, the employer is responsible for keeping accurate tip records. Otherwise, the IRS can estimate tip income and collect taxes on it."

W. Merck, a member of New Jersey's casino control commission: "A casino fills a fascinating function in an economy where there is a lot of unrecorded money. It is a place to put undeclared cash."

The Feds are not the only losers. In states where sales taxes are high, avoidance schemes abound. The simplest ruse is the empty-box trick. The customer buys a big-tag item, such as an expensive suit or shoes and makes a deal with the merchant to "mail" it to an address in a state with a lower rate. The merchant obligingly sends an empty box, and the customer walks out with the goods. A variant is to send the purchase to a friend in another state. Rob, an accountant, saved \$600 on a \$12,000 painting by having the gallery mail it from Chicago, where the state sales tax is 5%, to a friend in Indiana. Rob collected the painting and paid no sales tax whatsoever.

Flea markets are flourishing partly because they seldom charge taxes. Barter clubs are also springing up fast, particularly in the West. The clubs offer swap deals on a vast array of goods and issue "checks" for services. A gynecologist, for example, may cash his "check" with a mortician. The members of the clubs claim that their transactions do not represent sales and thus are not subject to taxes.

The surge of the underground economy reflects a troubling shift in American attitudes. So many people are fed up with inflation and high taxes that they no longer feel morally obligated to obey tax laws. Reports TIME Correspondent John Tompkins, who has covered organized crime for many years: "The underworld and the upperworld have converged in their morality over the past several decades. The underworld has not moved over to us, but we have moved in its direction." The victims, of course, are the honest taxpayers, who will have to fork over more and more to carry the load of the conurers and chiselers who pay less and less.

Washington, D.C., customer looks over baubles at a curb market



Manhattan vendors peddle coffee makers, perfume and other wares



Economy & Business

Diamonds Sparkle Plenty

For money, not love, cool investors put ice on fire

Poor Elizabeth Taylor. In June, when she finally sold that 69.42-carat, \$1.1 million diamond that Richard Burton gave her ten years ago, she did not get her asking price of \$4 million. The pear-shaped trinket fetched only \$2.5 million. Still, that was a nice little appreciation of 127%. On a smaller scale, a one-carat flawless gem that sold for \$1,400 in 1968 and \$6,500 in 1976 now goes for \$22,000 or more. These perfect stones are almost unavailable today, but even lesser quality large diamonds are rising at 25% to 40% a year.

Diamonds are becoming an increasingly popular investment—that is, for money, not love.

tween one grade of color and another can be as much as \$8,000 per carat. So many con men prey on the unwary that the New York State attorney general's office has assigned its securities bureau to track them down. The savvy buyer insists that the dealer have the Gemological Institute of America or the European Gemological Laboratory certify the diamond as to cut, color, clarity and carat weight.

Serious buyers also patronize well-known dealers and usually buy stones that weigh a carat or more. But there are tremendous markups and no bargains, though buyers tend to do better with bigger stones. Jewelers' retail markups range around 100%.



Chicago jeweler shows client unset gems; inset: 5 1/2-carat diamond (2 1/2 times actual size)

A portable hedge against fluctuating currencies and unstable governments.

Some buyers, notably the Europeans and Japanese, prefer tangibles to flimsy paper currencies in inflationary times; others live under unstable governments and find comfort in the fact that diamonds are compact and portable. Gems worth \$1 million fit easily into the palm of a hand, while \$1 million worth of gold weighs 278 lbs. Soon after the Shah fled Iran last winter, fine one-carat and larger stones started to turn up in the Swiss market. Arabs are so eager to exchange their oil wealth for diamonds that they sometimes buy packets of uncut gems from dealers sight unseen at 50% markups.

Lately Americans have become interested in investing in diamonds. About \$500 million worth of gems were sold last year to U.S. investors, and experts think the volume this year could top \$750 million, or almost 20% of the total U.S. diamond trade.

As an investment, diamonds are chancy. The bare minimum for a one-carat sparkler is \$5,000 and the difference be-

and, generally, the smaller the stone the larger the markup. Prices vary from city to city even for the same grade of stone. A reliable San Francisco jeweler sells a flawless one-carat E-color stone—one grade below the practically unobtainable one-carat, D-color flawless, which is the finest stone—for \$18,000. That same grade diamond, including local taxes, sells in Amsterdam for \$16,000, in New York City for \$20,000, in Munich for \$21,350 and in London for \$31,250.

A shortage exists for high-quality stones of one carat or more, but there is a glut of smaller, lesser quality gems, and prices for them have declined as much as 20% in the past six months. De Beers, the South African cartel that controls at least 85% of the world's rough diamond trade, plans to increase its output from 15 million carats this year to 19 million by 1983. But these stones lie in new, very deep mines, and the heavy equipment used tends to break up the larger, rough stones into many small pieces.

Since there is no trading market for diamonds, the smart investor who wants his money back is forced to sell at wholesale what he bought at retail. He can expect to receive only 40% to 60% of the current retail price. Fortunately, most diamonds are still being bought to slip on the finger rather than to tuck into the safety deposit box. Three-quarters of all first-time brides receive diamond engagement rings, as do half of the women marrying the second time around. For the average modest diamond engagement ring, men spend \$700, up from \$500 in 1978. But even for these investors in happiness the message is the same: the buyer had better be prepared to hold onto his investment for a long time to come out ahead, or at least even. ■

Supercows

Breeding better calves faster

Bovine sex has suffered for the sake of farmers' profits ever since artificial insemination replaced the old roll in the hay. The test-tube method allows the selection of genetically superior bulls, but there has always been a little problem with the cows. Even the best breeders normally drop only one calf a year. Now Mother Nature has been beaten at her own game by a new method that enables ranchers and farmers to turn the best of their cows into instant supermoms, capable of producing whole herds of exceptionally meaty or big-milking offspring. The method is embryo transfer.

Top pedigreed cows, which sell for as much as \$20,000, are injected with a hormone that causes multiple ovulation, the production of more than one egg. The eggs are then fertilized by artificial insemination and, about a week later, the live embryos—usually five, but sometimes ten or more—are withdrawn through the cervix by means of a catheter. Each embryo is then transferred, either by a six-inch incision in the side or directly through the cervix, to the uterus of a less perfect host mother, which carries the superior calf to full term. Since supercows, or "queen bees," can be bred seven times a year, each can produce 35 or more embryos annually. This can make the herd better but not significantly bigger since, even with embryo transfer, one cow is necessary for the gestation of each calf.

The cost: about \$300 for consultation and the initial work plus \$400 for every successful pregnancy. Dr. Kourken Bedirian, a Canadian physiologist who has pioneered the transfer of cow embryos, says that the success rate has averaged more than 60%. About 10,000 transferred calves have been born since the process moved from the lab to the barn in the early 1970s, and the procedure is rapidly spreading in the U.S. and Canada. For Bossie, motherhood will never be quite the same again. ■

The SGT.

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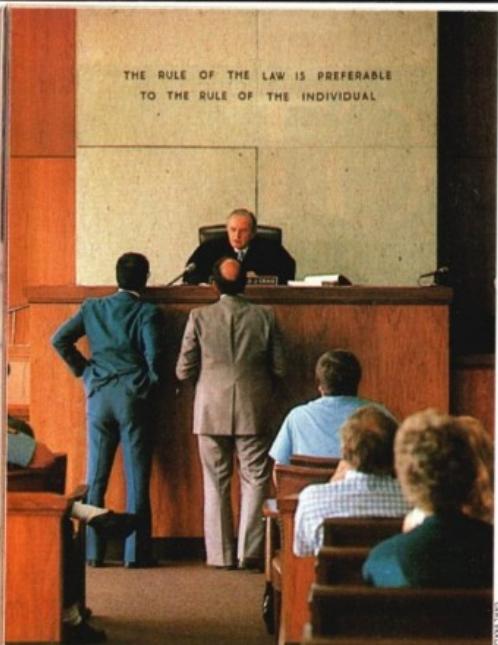


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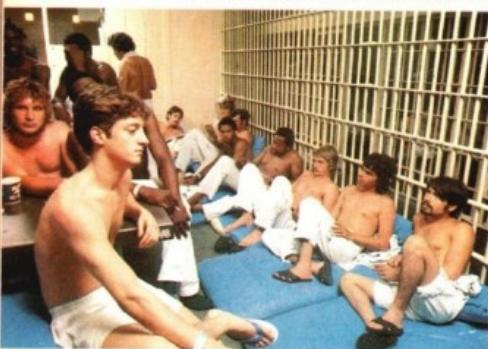


Seagram's Gin. Perfect all ways.

THE RULE OF THE LAW IS PREFERABLE
TO THE RULE OF THE INDIVIDUAL



A judge rules in Ohio; (below) criminal defendants await trial in Houston



(Below) lawyers line up in an Oakland courthouse to get trial dates



COVER STORY

Law

Judging the Judges

An outsize job, getting bigger

By trappings and tradition, judges are a secular priesthood, oracles of the law, the embodiment of justice. Dressed in black robes, heralded into court by bailiffs crying "Hear ye! Hear ye! All rise!" and addressed as "Your Honor," judges are imposing, even intimidating. They are supposed to be; they have great power over people's lives, and increasingly, they use it.

But who are the judges? Former lawyers, former politicians. Most commonly, lawyers who knew politicians. Some rise above their own human limitations, but more do not. Mostly, they are ordinary men and women, coping fitfully with the failings of others, the endless procession of broken promises and brutal acts that are the daily business of the courts.

The system of justice is a huge and complex machine. Delicately balanced by counterweights, equipped with elaborate filters and safety valves, it is designed to sort the guilty from the innocent, restore rights, redress wrongs. In short, to do justice.

It is a wondrous invention when it works, but frequently it does not. Consider:

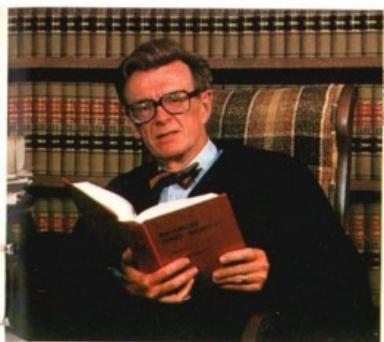
► Left a quadriplegic by a truck accident that was not his fault, Thomas Curtis, 57, waited five years before his personal injury suit went to trial in Modesto, Calif. A jury awarded him more than \$2 million last January, but a judge reduced the damages to \$350,000, and the case will probably be another three years on appeal before Curtis sees any money. Meanwhile, Curtis has lost his \$25,000-a-year income and his house; his wife has divorced him and emotional problems have sent him to a psychiatrist.

► In Ohio last winter, Judge Neil W. Whitfield sentenced Robert W. Atwood, 20, who had stolen \$10 worth of beer from a neighbor's garage, to four to 25 years in jail. On the same day, the same judge sentenced Mary Murray, a motor vehicles official, to five years probation for embezzling \$8,000 in public funds.

► Last month in New York, the conviction of Eric Michael, 24, for robbery, burglary, rape and sodomy was overturned because he had been tried twice for the same crime. The first trial had been terminated by Criminal Judge Arnold G. Fraiman. Why? Because continuing the trial would have interfered with the vacation plans of the judge and some jurors. Judge Fraiman, who had once before ended a trial rather than forgo a holiday, this time offered to postpone his plans, but he did not order the jury to do so; instead, he declared a mistrial.

A Yankelovich, Skelly and White poll of the general public, judges, lawyers and community leaders last year ranked public confidence in state and local courts below many other major American institutions, including the medical profession, police, business and public schools. Too much law, too many lawsuits and too many lawyers have all combined to overwork the judicial machinery. But the final responsibility for the courts rests with the people who run them: the 28,000 state and local judges, 1,083 federal administrative law judges who hear disputed claims brought to the regulatory agencies, and nearly 700 federal judges charged with upholding the law. Too often it is a responsibility that judges fail to live up to.

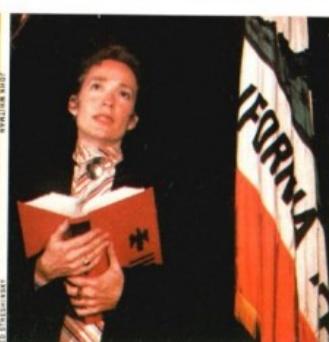
The litigation explosion in the U.S. has not just created choked courts and endless delay. It also means more power for



Federal Judge Prentice Marshall in Chicago



U.S. Court of Appeals Judge Edward Tamm



California Supreme Court Chief Justice Rose Bird

judges. Tocqueville's observation, made more than a century ago, that there is "hardly a political question which does not sooner or later turn into a judicial one" has never been truer. This is so not only in the U.S. Supreme Court, which is expected to be the final arbiter of the law, but in courts all over the country. By reading their own views into broadly worded statutes and vaguely defined constitutional rights, judges have assumed—some say usurped—unaccustomed roles. Increasingly, judges, state and federal, can be found ordering government boards and agencies to obey the law. When the boards balk, as they often do, judges end up running school boards, welfare agencies, mental hospitals and prisons. Just last month, for instance, a Boston judge placed 67 public housing projects into receivership under court control because they had been mismanaged by the Boston housing authority. Such decisions often require judges to rule on specific questions like garbage removal from tenements, proper bus routes for schoolchildren and minimum hot water temperatures for prison inmates.

Judges are quick to assert that they are simply enforcing the laws and the Constitution. "Judges, unlike Presidents, Congressmen and lawyers, cannot generate their own business," says Federal Judge Prentice Marshall, who halted discriminatory hiring and promotion practices in the Chicago police department despite Mayor Richard Daley's vow to fight the decision. Whether by default or design, the judiciary increasingly has the last word on important social questions.

Within their courtrooms, judges are virtual autocrats. Many will not even talk to the press; thanks to last month's Supreme Court decision in *Gannett vs. DePasquale*, they are now closing off their courtrooms. Already, at least 39 judges have banned press or public or both from pretrial hearings or trials.*

Lawyers, out of necessity, bow before the bench. "The job corrupts people," says Jack Frankel, executive officer of the Cal-

ifornia Commission on Judicial Performance. "The judge says, 'I'm going on vacation.' Everyone says, 'Fine, Judge.' The judge says, 'I'm coming in late.' Again, it's 'Fine, Judge.' Pretty soon it changes them."

Stories of judicial arrogance are commonplace. When a Japanese-American lawyer requested additional time for a trial, a federal judge responded: "How much time did you give us at Pearl Harbor?" Former Los Angeles Municipal Court Judge Noel Cannon, who painted her chambers pink, kept a pet Chihuahua by her side and was called the "Dragon Lady," once threatened to give a traffic officer "a vasectomy with a .38." While hearing a voting rights case brought by blacks in Alabama in the '60s, Federal Judge William Harold Cox exclaimed, "Who is telling these people that they can get in there and push people around, acting like a bunch of chimpanzees?"

The bench is obviously the worst possible place to encounter that kind of prejudice. Nothing is so damaging to the stature of the judiciary as the common perception that punishment depends less on what a criminal did than on the biases or whims of the judge.

Some sentences should vary, of course, according to the character and prior record of the defendant. The fact that shoplifters usually go to jail if they get caught in Charlotte, N.C., whereas they get probation in Albuquerque, may just reflect different local mores. As New York Criminal Court Judge Harold Rothwax says, "Communities have a right to view crime differently." Mandatory sentences set by the legislature, which several states use for at least some crimes, can be more heavy-handed than evenhanded. Such laws cannot distinguish, for instance, between someone who steals to feed his family and someone who steals for excitement or easy money. But if discretion is something judges need to make the punishment fit the crime or the criminal, it is also something they too often abuse.

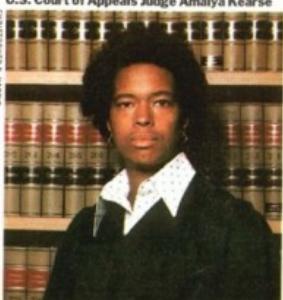
At the core of public trust is the belief that judges are impartial. New York Lawyer Simon Rifkind, a former judge, notes: "Impartiality is an acquired taste, like olives. You have to be habituated to it." Some judges never lose the attitudes they brought

*In a rare interview, Supreme Court Justice Warren Burger told TIME last week: "The Gannett opinion was misunderstood. The case wasn't about a trial, only about a pretrial hearing." Burger blamed the press for misleading lower court judges on the scope of the high court's decision. Presumably local judges have not bothered to read the opinion.

New Orleans Municipal Court Judge Eddie Sapiro



U.S. Court of Appeals Judge Amalya Kearse



New York Criminal Court Judge Harold Rothwax





"Us Tareyton smokers would rather light than fight!"

Your present filter is only doing half the job, because it doesn't have Tareyton's activated charcoal filtration.

There is no substitute for Tareyton lights flavor.

Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous To Your Health.



Tareyton lights: 8 mg. "tar", 0.7 mg. nicotine; Tareyton long lights: 9 mg. "tar", 0.8 mg. nicotine av. per cigarette by FTC method.

Law

to the bench; lawyers complain that judges who were prosecutors favor the state, and judges who were defense lawyers favor the defendant.

Faith in the judiciary may be faltering, but that has not stopped people from going to the court in droves. Civil suits filed in federal courts, which outnumber criminal cases 4 to 1, increased from 87,321 to 138,770 between 1960 and 1978. Over 16,000 cases have been pending for more than three years in federal district courts, double the backlog ten years ago. "If court backlogs grow at their present rate, our children may not be able to bring a lawsuit to a conclusion within their lifetime," predicts Harvard Law School Professor Laurence Tribe. "Legal claims might then be willed on, generation to generation, like hillbilly feuds, and the burdens of pressing them would be contracted like a hereditary disease."

Laws that spew from legislatures at the rate of over 100,000 a year inevitably mean more lawsuits. Too many lawyers use their skills to drag out cases. The object may be to wear down a

less well financed opponent, or put off an unfavorable judgment. Sometimes it is simply a matter of greed, of contriving any excuse to keep fees rolling in. Favorite devices include making endless pretrial motions on one or another point of procedure, obtaining postponements (continuances) from the court, requesting huge amounts of information from the other side in the pretrial discovery process, or just burying the case in paper work.

Judges share the blame for the courts' delay. In Pittsburgh, criminal judges have almost four times the caseload of those in The Bronx, but dispose of cases five times as fast. Why the difference? Because some judges take an active role in pushing a case along from the moment it is filed. They enforce strict deadlines on filing motions and papers and limit pretrial discovery; in short they stop lawyers from delaying. In other courts, judges sit back and let lawyers set the pace by handing out postponements freely.

"Vindicting" Rights in California

Federal Judge Irving Hill likes to recall that his uncle, a Ukrainian Jewish immigrant to the U.S., went to a railroad station in New York City, plunked down his savings and asked for a ticket west, as far as his money would take him. That turned out to be Lincoln, Neb. Hill's father, arriving from the Ukraine "with less than a buck in his pocket," followed, and it was in Lincoln that Hill was born and raised.

"Inbred in me is a concern for rights of the minority, no matter how unpopular," says Hill, 64. "Concern for religious and political freedom, human rights, just the right to practice a profession and get an education were things that were denied to my forebears." His roots have clearly helped to shape his judicial philosophy: "Whenever you can vindicate the individual against the government, consistent with your judicial obligation, you do so."

As the chief judge of a federal district court whose jurisdiction includes Los Angeles and 11 million people, Hill could hardly be in a better position to "vindicate" (a favorite word) individual rights. The great expansion of the "due process" and "equal protection" guarantees under the 14th Amendment over the past two decades has taken place largely in the federal courts, and it is to the federal district courts that people come first to assert their constitutional rights. Hill has struck down a California law barring aliens from certain public jobs, and is especially proud of his decision holding that to deny a black a job purely because of his arrest record is discriminatory. His view that Chinese students have a right to a bilingual education, first expressed in a dissenting opinion, was later adopted by the Supreme Court. In an opinion in an obscenity case, he once wrote: "The cen-

sor and the illegal police raiding party are even less welcome in this country than the peddler of execrable sex materials, and with good cause."

Hill is mindful, however, of the limits to what he can do. When there is a "clear and unequivocal and recent decision" by a higher court, a judge is bound to follow it and not try to carve out new law. Hill also believes deeply

MICHAEL DRESSLER



U.S. District Court Judge Irving Hill

in the concept of the judiciary that he learned "at the feet of Felix Frankfurter" when the late Supreme Court Justice was a teacher and Hill was a student at Harvard Law School in the late '30s. Says Hill: "Frankfurter had a very strong and very well-thought-out concept of judicial restraint that would have kept the courts out of many political matters and out of the daily supervision of institutions." Hill is wary of judges who too willingly become custodians of prisons or school systems.

He fears that they "dilute the moral force" of the bench, and he adds, "There are other judicial tasks, perhaps of equal importance, that are shunted aside."

Hill would have his colleagues pay more heed to administering their courts efficiently. "You have to have judges who take pride, not only in the quality of their work, but in their ability to move a reasonable number of cases." For Hill, that means refining lawyers, who, he says, "are most resourceful at thinking of superficially persuasive reasons" for creating delays. Hill believes in strict deadlines and backing them up with stiff sanctions. In his court lawyers who make too many frivolous motions must reimburse the other side—out of their own pockets, not the clients—for the expense of answering them. If the abuses persist, he can throw out the lawyer's case.

Becoming a federal judge in 1965, says Hill, was "the achievement of my highest ambition." With his \$54,500-a-year salary, Hill is not nearly as wealthy as he would have been if he had remained a lawyer, but he still lives comfortably with his wife in Los Angeles. An insatiable sports fan, he finds time to use the season tickets he holds to the games of half a dozen Southern California teams. Every night, he walks 1.2 miles with Los Angeles *Herald-Examiner* Sports Writer Mel Durslag. "Half the walk we talk about sports, and the other half we talk about the court," says Durslag. Hill is an unpretentious but firm man, with few illusions about judges: "We're human, the products of our own environments. Today, of course, every person or group with some cause for unhappiness or dissatisfaction with any governmental body, or even his neighbors, expects the judiciary to vindicate his rights and give him a remedy. In that sense we can't possibly meet everybody's expectations. But by and large," says Hill, "we sure try, and we try in good faith."

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Some judges simply cannot make up their minds. One California judge underwent psychoanalysis to get at the root of his inability to pass judgment. But a more fundamental problem is the way judges, particularly older ones, perceive their role. By training and tradition they are judges, not administrators or managers. That helps to explain why modern technology and management techniques have been almost totally ignored by the courts. "In a supermarket age we are like a merchant trying to operate a cracker barrel corner grocery store with the methods and equipment of 1900," said Burger in 1970. He spoke from experience. When he came on the court in 1969, he asked to have some papers duplicated. The clerk had to explain to him that the Supreme Court Justices had no copying machine. Burger and other bench and bar leaders have pushed with some success for more efficient administration. "There was a day back when a judge said, 'I'll start my court at 9 or 10 or 11 o'clock or whenever I want,'" Burger told TIME. "But that attitude won't work today." Still, judges are jealous of their fiefs and do not like to be told to change their ways, even by higher judges.

This is especially true in state and local courts, where most

American justice is meted out. "In some ways we now function just as we did in the days of Charles Dickens," says Judge James Lynch, chief justice of the Massachusetts Superior Court. The court hours—generally 10 to 4—have not changed since the 18th century when lawyers and judges were farmers and had to tend to their cows, says Boston Lawyer and Novelist (*Friends of Eddie Coyle*) George V. Higgins. "We do business in total and willful disregard for the telephone, the automobile and the computer. On opening day of a district court session, you can find 300 lawyers waiting around to get their cases scheduled, with their meters running." The trial date the judge wants often will not suit one or the other lawyer; when they finally agree, a witness will go out of town or fail to show up and trial will be further delayed. It is a costly cycle of inconvenience, frustration and ineptitude repeated in courts the country round.

There are exceptions. The courtroom of Erie County, Ohio, Judge James L. McCrystal is one. It is equipped with a videotape machine and television monitors. McCrystal does not need to bring all the lawyers, parties and witnesses into court at the same time for a trial. Witnesses can be questioned by lawyers

"Moving the Business" in Philly

In Philadelphia, birthplace of American democracy, local judges are popularly elected. More accurately, they are chosen by the political party in power and then automatically voted in by apathetic voters. They are selected, says District Attorney Edward G. Rendell, not for integrity, legal ability or judicial temperament. "Instead," says Rendell, "these questions are asked: What has the lawyer done for the political party nominating him? What has he contributed to the party in time and money?" The result, say Philadelphia's lawyers, is "a sad bench."

Criminal Judge Thomas A. White was picked to fill a vacancy in 1977. Why? "I'm Irish," he says. "Of course, I'm qualified," he hastily adds, but he matter-of-factly explains that the Democratic Party needed an Irish judge to "balance the ethnic makeup" of their judicial slate. One of 16 children of an I.R.A. member who fled Ireland for the U.S. in 1928, White, who has six children of his own, is president of the Irish Society of Philadelphia, an American Legionnaire and a booster of a boys' club. He is also, he says, a "lifelong Democrat" who managed to be elected to the state legislature in the Eisenhower landslide. Redistricted out of his seat in 1954, he decided to go to law school and become a criminal defense lawyer. All the while, he stayed active in Democratic ward politics, and his loyalty was rewarded when he was backed for a judgeship by Congressman Raymond F. Lederer, whom White describes as "a close personal friend."

White is a "waivers judge," which means that he tries defendants who have waived their right to a jury. In Phila-

delphia, defendants usually do not plead bargain—that is, plead guilty in return for leniency. Instead, they are apt to plead not guilty but waive their right to a jury trial because they know waivers judges will go easy on them. Too easy, complain Philadelphia prosecutors. In White's court, defendants convicted of shootings and stabbings get off on probation; attempted rape of a girl of 16 by

10, when the judge, clad in his black robe, enters his small, drab courtroom through its single door. White says he deplores the lack of a private entryway to his chambers; it means he has to come in the same way as spectators, lawyers, witnesses, defendants, everybody. Only a few feet of space separates the lawyers from the bench. That is not enough for histrionics, but then there is no jury to sway. There is only Judge White, and he is more interested in a rapid recitation of the facts than impassioned pleas or oratory.

The only emotion on a busy summer day comes from a black teenage defendant and his mother. Though White prefers parole to jail for first offenders in order to give them a second chance, he is strict about parole violations. In this case, the teen-ager, convicted of robbery, has failed to report to his probation officer for a month. White revokes his probation and sentences him to jail for one to 23 months. Both mother and son burst into tears. "Judge, that's unfair, a child like him," cries the mother. The judge shuffles papers as the young man is led off, and the crying subsides. Then he calls the next case.

White is vexed only by interruptions in his schedule. He is clearly irritated one morning when a defense lawyer brings along eight witnesses to testify in a purse-snatching case. The judge complains that it will take him all day to try the case. "All day" turns out to be five hours. After hearing the witnesses, White says he cannot be sure whether the defendant is guilty or innocent, so he has to find him not guilty, using the "beyond a reasonable doubt" standard. The prosecutor says he has witnesses ready for another trial, but White curtly rebuffs him. It is 2:30 in the afternoon. The judge adjourns court.



The waivers judge in his chamber

three men with criminal records got the three only six to 23 months in jail.

Leniency does have one dubious advantage for an overloaded court system. It makes for speed. Trials without jury are brief; the more defendants who opt for them—and most do—the faster the Philadelphia courts can dispose of their huge case loads. Judge White likes to "move the business" right along; he hears three or four cases a day, disposes of 15 a week. The day begins at 9:30 or

and have their testimony video-taped at their convenience. One local law firm has fixed up a large mobile van with video-tape recorders so the court can come to the witness, rather than the witness to court. Judge McCrystal edits the film in his chambers or sometimes at home and shows it to a jury at trial. Result: McCrystal tries about three times as many civil jury cases as the average Ohio judge. He has been doing it this way for more than seven years, and he has never been overturned on appeal because of his use of technology. Yet the idea still has not caught on with other judges. Why? "Judges are the roadblock," says McCrystal. "They just say, 'I don't want anything new.' But only they can make this thing work."

Perhaps. But there are a number of other ways to better use judicial resources and help judges with their heavy caseloads. Among the most important:

► More judges. This is an obvious step. The federal judiciary clearly needed more judges to cope with its overwhelming load, and last fall it got them from Congress: 152 new judgeships, a 30% increase, the largest ever.

► Less law. Complex law makes for complex litigation. The hopelessly vague antitrust laws, for instance, have been a chronic problem for troubled courts since 1890 and produced a tan-

gle of conflicting interpretations. The antitrust monster of *U.S. vs. IBM* is now ten years old and nowhere near resolution. Clarifying or simplifying labyrinthine laws would save millions of dollars in legal costs as well as free judges to work on other matters. Like regulatory schemes that do more harm than good by stifling competition, some laws might even be eliminated altogether.

► Getting cases out of court that should not be there to begin with. Some argue that no-fault auto insurance can help clear the civil courts by eliminating many lengthy personal injury suits. Decriminalizing so-called victimless crimes, such as vagrancy, drunkenness, gambling and marijuana possession—often randomly enforced—would ease the strain on criminal courts. Perhaps the most promising alternative is to arbitrate or mediate disputes rather than take them straight to court. Neighborhood justice centers set up by the justice department in Atlanta, Kansas City and Los Angeles have worked well, informally settling disputes like neighborhood squabbles and consumer complaints.

► Court reorganization. Fragmented or overlapping jurisdictions keep some judges underworked, others overworked, and still others doing the same work all over again. Seventeen states have

"Chewing on It" in Nebraska

In the Old West, judges rode the circuit on horseback with two indispensable tools of justice in their saddlebags: a copy of *Blackstone's Commentaries* and a flask of whisky. Today Judge Robert Moran, 52, travels the five counties of Nebraska's 16th judicial district in a battered 1972 Plymouth with 140,000 miles on it (his 1960 model died at 240,000). His tools are two loose-leaf binders with summaries of his case docket and a black bag stuffed with lawyer's briefs. His territory is his state's western panhandle. It is sparse ranch and farm country, though railroads hauling low-sulfur coal have made the local junction, Alliance (pop. 10,000), a boom town. The mean Midwest weather that Judge Moran encounters has not changed since Lawyer Abraham Lincoln rode Illinois' Eighth Circuit. Carl Sandburg described it: "Mean was the journey in the mud of spring thaws, in the blowing sleet or snow and icy winds of winter."

The law has changed a great deal, and Moran's district court is the court of original jurisdiction for most serious criminal and civil cases. Just keeping abreast of the law means that Moran constantly reads as his driver, court reporter and general assistant, Mike Benitez, 22, ferries him from county to county, some 1,700 miles a month. In only a few days, in three different courts, Moran will change some child visitation rights, grant half a dozen divorces, hear pretrial motions on a first-degree murder charge, listen to motions on a complex home-construction case, sentence a drunken driver, a housebreaker and a cocaine peddler (90 days' probation). The legal issues and questions he constantly confronts hop from civil to criminal to constitutional.

When some American Indian activists occupied a building at Fort Robinson and threatened to burn it down, Moran sentenced them to five days in the county jail. Some whites denounced him for being a "bit soft on our Indian brethren." But in Moran's view, "shorn of emotionalism, what happened is nothing more than a slightly aggravated case of trespass." In another case he heard the murder trial of two white youths for beating an Indian who later died of brain damage. When Moran sentenced the boys—six years for the leader, two years for the other—some Indians were furious and tore down the American flag outside the courthouse. The judge's reasoning: the Indian's death was a "senseless act of hooliganism which was not intended to be criminal."

Though Moran knows all the lawyers who come before him, he keeps his distance. His regular golf game with an Alliance lawyer ended when he had to rule on a close case in his friend's favor. Moran, who has been on the bench for twelve years, is known for running a strict court; with 450 cases a year, he has to. "The way to irritate Moran," says the judge about himself, "is to ask for

continuances." He is a one-man show: he does all his own legal research and wrestles with his hard decisions alone. "I can't bounce things off other people to help me," he says. "A judge lives a fairly lonely life." A practicing Roman Catholic, he has eight children. Child custody cases leave him drained. "We are asked to play God in these cases, and you can't be God. The touchstone is 'the best interests of the child.' Isn't that a lovely phrase? What does it mean?" Criminal sentencing sometimes sends him walking around town, "chewing on it like a dog with a bone. You drop it and pick it up again and chew on it."

Yet Moran clearly relishes his job. "I'm miserably happy with it," he says. As he drives around his district, he loves to tell of applying the law to life in the panhandle. He recalls the case of a thief who stole some unbranded cattle, put his brand on them and rustled them off to North Dakota. The owner pursued and identified his own cattle. But how, Moran asked, could he identify them? "Well," the man replied, "I just went up

there and called out their names and they came right to me." Moran smiles broadly retelling the story. "You know, I went home that night and looked up the case law on identifying animals by their names, and there it all was."



State Court Judge Robert Moran

Law

adopted measures to streamline their court systems since 1970; reform came to Massachusetts in July, when its reorganization plan went into effect. No longer will criminal cases be tried *de novo*—from scratch—on appeal, and it will be easier to move judges around from court to court to even up work loads. Some courts have also improved efficiency by hiring professional administrators to set schedules and assign cases.

► Eliminate juries in civil trials that are too long and too complicated for laymen. At the Conference of State Chief Justices last week, Chief Justice Burger strongly urged judges to consider this proposal, pointing out that it can take "not hours, but days" for the judge to explain the legal issues to jurors, who then cannot always be expected to understand or remember what the judge said. Burger noted that Britain, which has less delay in its courts than the U.S., has successfully abolished juries in most civil cases.

► Speedy trial laws. Delay in the criminal courts means that many defendants languish in jail, whether or not they are guilty.



The waiting room of the neighborhood justice center in Atlanta

Getting cases out of court that should not be there to begin with.

Forty-one states have laws on their books requiring that defendants go to trial within a specified period. However, these laws do not always work: they are vague and ambiguous, and judges are lax in enforcing them. When the laws do work, there is a need for more judges to handle the load and civil cases are backed up. Lawyers complain that they do not have time to prepare their cases, and that means that some prosecutions simply get dropped. Because of such arguments, the Federal Speedy Trial Act, expected to go into effect last month, has been postponed by Congress for one year.

► Plea bargaining. This is the most common solution to delay in the criminal courts. It is frequently denounced. In theory, criminal courts determine guilt or innocence only by the most thoroughgoing "due process." In reality, justice is usually done by way of a deal: a guilty plea in return for a lighter sentence or reduced charges. The accused's "day in court" lasts only a minute or two. In one such case in California, a defendant pronounced guilty of assault with a deadly weapon exclaimed in bewilderment: "What? You mean I've been tried?"

Some critics of plea bargaining complain that criminals get off too lightly. Others insist that defendants get railroaded out of their right to a trial by prosecutors who "overcharge," i.e., charge defendants with worse crimes than they committed, to force them into guilty pleas. What everyone agrees on is that plea bargaining is at best an expedient to lighten case loads.

"Sheer volume almost mandates it," says Judge Rothwax, who is careful to make sure the defendant agreed to the bargain and that it is fair. In New York, according to District Attorney Robert Morgenthau, the sentence a defendant gets from pleading guilty is not much different from the sentence he would get by going to trial. But in many other courts, clearing the docket, otherwise known as moving the business, becomes almost an end in itself.

Six years ago, a national commission on criminal justice recommended that plea bargaining be abolished by 1978. Today, it is still the method by which the vast majority of criminal cases are handled. It helps reduce the case load, but it also reflects the fact that the system cannot handle the flood of litigation. Says a Sandusky, Ohio, attorney, Thomas Murray Jr.: "When you talk about one case in 50 getting to trial, the system is not breaking down. It has broken down."

The system cannot be repaired if the judges themselves are incompetent or corrupt. "The problems caused by unfit federal judges, whether from outright corruption, political favoritism or inability due to ill health or senility, amount to a hidden national scandal," testified Clark Mollenhoff, a Pulitzer-prizewinning former Des Moines Register reporter, at a congressional hearing on methods of disciplining judges. (Mollenhoff has been investigating the federal bench for three years.) The only way to remove federal judges now is by impeachment, a cumbersome process. Only four of the nation's federal judges have been tried and convicted by Congress in the nation's history, none since 1936. Convicted of income tax evasion, perjury, bribery, conspiracy and mail fraud in 1973, Federal Judge Otto Kerner resigned from the bench only five days before he was scheduled to enter prison. Federal Judge Herbert Fogel of Philadelphia, implicated in a scandal involving backdated documents to win a Government bid in 1970, took the Fifth Amendment when questioned by a grand jury. He resigned last year before any disciplinary action was taken against him. Federal Judge Willis Ritter, infamous for an abusive temper that led him to bully lawyers and to hale a postmaster and 29 aides into court because their mail-sorting machinery in the courthouse was too noisy, was allowed to stay on the bench until he died last year at age 79. Examples like these, not to mention frequent charges of senility and laziness, have spurred congressional interest in disciplining judges. A Senate bill, supported by Attorney General Griffin Bell, would set up a court on judicial conduct to remove unfit judges.

It is easier to weed out state and local judges. Since 1960, 48 states, plus the District of Columbia and Puerto Rico, have created commissions to discipline judges for wrongdoing. A few of these commissions are effective: since 1975, the New York commission has removed ten judges, censured 65, suspended four, and 73 have resigned. California is now witnessing the unique spectacle of a public investigation of the state supreme court. At issue is whether some members of the court delayed announcing politically controversial decisions before an election in order to save Chief Justice Rose Bird from being ousted by the voters; so far the inquiry has shown less evidence of conspiracy than pettiness and distrust among the court's seven justices. In many other states, accountability commissions exist in name only. Sanctions can be very mild. Massachusetts Judge Margaret C. Scott was reprimanded last February by the state's highest court for "violating the rights of indigents and others" in some 40 cases. Her punishment: she was barred from judging for a year, but she still collects her \$40,000 salary.

Totally exempt from discipline are what Frank Greenberg, past president of the Chicago Bar Association, calls "the gray mice": judges who "lack the scholarship, the temperament, the learning" and are "simply in the wrong occupation." Says Greenberg, a member of the Illinois Judicial Inquiry Board: "There is not a damn thing the discipline system can do about them."

That is a convincing argument for getting better judges to begin with. In about half the states, most judges are elected. The rationale has always been that voters should have a say in choosing the people who resolve their disputes and enforce public law. But most voters do not know much about the candidates for whom they are voting. A Texas poll in 1976 found

that only 2% could even remember the names of the county judges on the ballot. A campaign for office is an inexact gauge of how a judge will behave if elected. New York Court of Appeals Judge Sol Wachtler made a TV commercial showing him, dressed in his robes, slamming shut a jail door. This tough-on-crime approach was good politics, but voters favoring a law-and-order man were probably disappointed. Wachtler turned out to be, if anything, defense-minded. To get on a partisan ballot often requires a financial contribution to a political party. A New York judge remembers one candidate coming to him in tears because he could not come up with the necessary \$25,000.

Over the past 40 years, half the states have turned to so-called merit selection for at least some judges. Typically, a judicial "selection committee" nominates several names, the Governor picks one, and the judge runs unopposed on a yes-no "retention ballot" after a year or more. The system can produce a higher quality bench, if politics does not creep back in. "The big problem," says Stanford Law Professor Jack Friedenthal, "is the selection of the selectors."

Political patronage has been the traditional way to fill the federal bench. Presidents appoint federal judges, but since Senators can blackball any candidate from their home state, they have the real power of appointment. Sheer embarrassment is about the only check. When Senator Ted Kennedy tried to nominate Family Retainer Francis X. Morrissey for a federal judgeship in 1965, other lawyers began joking that Morrissey was boning up for the job by reading the *Federal Rules of Civil Procedure*, the rough equivalent of preparing for surgery by looking at Gray's *Anatomy*. Kennedy eventually withdrew Morrissey's name.

Still, the surprising thing about the process is that it has worked relatively well. Says Mollenhoff: "Most observers agree that 90% of the nominees have gone on to become excellent federal judges. But another way of putting it is that 70 out of 700 federal judges should not have been put on the bench. That is way too many."

The creation of 152 new judgeships last year gave President Carter the chance to fulfill his campaign promise: "Why not the best?" He has managed to make Senators use "merit" selection committees in 24 states, the District of Columbia and Puerto Rico, but some flatly refused. Maryland's Senator Paul Sarbanes selected his former law partner; another, North Carolina's Robert Morgan, nominated his campaign manager. Carter has also diversified the bench to make sure the judges' backgrounds and attitudes more closely reflect the population's. When he took office, only 1% were female and only 5% were black or Hispanic. So far, a third of his appointments are women or members of a minority group, or both, like Amalya Kearse, 42, a black woman. She will sit on a U.S. Court of Appeals in New York, after the U.S. Supreme Court perhaps the most powerful bench in the country. One thing that has not changed: 95% of Carter's appointments are Democrats, just as 92% of Nixon's appointees were Republicans.

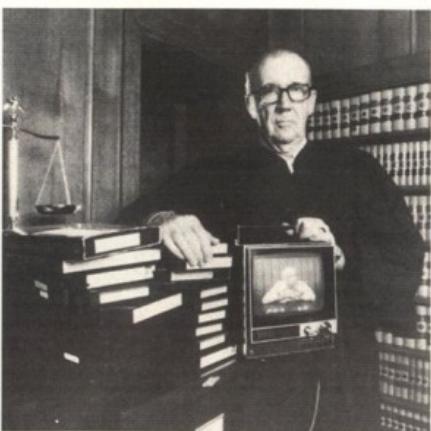
Selection committees generally keep out the clearly unqualified. But they also will settle for what Senator Adlai Stevenson calls "the lowest common denominator." Says Stevenson: "I fear the Brandeises and Carswells alike will be screened out and a high level of mediocrity will be enshrined in the judiciary." Some desirable candidates have refused to be considered by selection committees: they did not want to go through the public-screening process and face possible rejection.

Other potential candidates see a federal judgeship less as a prestigious and challenging job than as very hard work for low pay. Senator Charles Percy has privately remarked that he has had to offer the job to ten people just to get one. Says U.S. Court of Appeals Judge Edward Allen Tamm: "Federal judges are working harder than they ever did in private practice, but they never get their heads above water." Worn down by the work load, comparing their salaries (\$54,500 to \$57,500) with the six-figure incomes of really successful lawyers, a discouraging number of federal district and circuit judges are going back into private practice. One of the 17 who have left since 1970, former Chief Judge Sidney O. Smith Jr., of the U.S. District Court in Atlanta, returned to his old law firm in 1974 to

make enough money (twice as much) so that he could comfortably afford to pay his three children's college tuitions.

Something is seriously wrong if the federal bench cannot attract and hold the very best. So much is expected of it. The judiciary is supposed to be democracy's hedge on majority rule and executive highhandedness. "There is no character on earth more elevated and pure than that of a learned and upright judge. He exerts an influence like the dews of heaven falling without observation," said Daniel Webster, no doubt casting his eyes heavenward. Definitions of a good judge read like recommendations for sainthood: compassionate yet firm, at once patient and decisive, all wise and upstanding.

Measured against that sort of standard, the human foibles and plain ordinariness of most judges are inevitably disappointing. Yet even unlikely characters can be good, if unorthodox, judges. New Orleans Municipal Court Judge Eddie Sapir wears jeans and turtleneck sweaters under his robes and compares himself to Joe Namath ("Both of us drive Cadillac convertibles, both were born in Pennsylvania, both have brothers named Frank, both like women . . ."). His chambers have pictures of



Ohio Judge James McCrystal with his video-tape television monitor
"Judges are the roadblock. They say, 'I don't want anything new.'"

racehorses and celebrities, and his campaign motto is "I gotta be me." But Sapir is considered an efficient and capable judge by the lawyers who come before him; he is particularly well known for making slumlords obey housing laws.

Expecting a great deal from judges can have a self-fulfilling effect. "The robes and all the trappings of the courtroom can make a judge rise above himself," says Columbia Law School's Richard Uviller. It can give an otherwise unremarkable man a zeal for simple justice. Judge John Sirica was regarded as a man of mediocre intellect who browbeat counsel and was frequently overturned on appeal. Yet he had the guts to push Watergate from the break-in to the White House. He remained stubborn and unyielding. Criticized for taking a too active role questioning witnesses, he growled, "I couldn't care less what happens on appeal." His single-mindedness produced the truth.

Sirica's example is proof that the robe can elevate the man, and a reminder of the need to preserve judicial independence. But it is also an exception. The real work of the judiciary is the day-to-day, case-by-case job of striking what Judge Rothwax calls "the balance between fairness and efficiency." When courts provide neither, there can be no justice, nor the appearance of justice. When people stop believing in the law, lawlessness follows. A society of laws is sustained partly by pure faith; courts that work well are the visible, basic affirmation of public trust. They are, as well, the final judgment on the judges. ■

Theater

Toothless Villain

OTHELLO

by William Shakespeare

There is no doubt about the identity of the main character in *Hamlet* or *Macbeth*, *Richard II* or *Coriolanus*. *Othello*, however, does not revolve around the noble Moor but around his henchman Iago, who drives him to madness and murder. The most complete and absolute embodiment of evil in all of Shakespeare—and perhaps in all of literature—the character is a supreme challenge to any actor. A wrong reading will make him either baffling or comical, like an oily villain from the silent movies. Unfortunately for this otherwise fine production by the New York Shakespeare Festival, Richard Dreyfuss manages to make Iago both.

An inventive movie actor, Dreyfuss has no stage presence at all. He seems to be a student of the shout-and-spit school of Shakespearean acting, and his Iago lacks the subtle shadings that might have made him more than merely nasty. He might ruin his kid sister's birthday party by popping all the balloons, but he could never cause Othello to throw away his pearl, his divine Desdemona.

Raul Julia's Othello is fitfully convincing nonetheless, if a bit too weepy. Frances Conroy, who plays a spirited and touching Desdemona, almost justifies his deadly jealousy. Her penultimate scene with her maid (Kauiulani Lee), in which she prepares for the death she half expects, fully captures the grand pathos of this difficult play. Wilford Leach has directed with style and taste, making the most of his Central Park setting. Given a different Iago, his production might have been not only competent, but memorable.

—Gerald Clarke



Julia shouts at a silent Dreyfuss

Popping balloons at a birthday party.



Streep and Alda as capital lovers in *The Seduction of Joe Tynan*

Cinema

Split Ticket

THE SEDUCTION OF JOE TYNAN

Directed by Jerry Schatzberg

Written by Alan Alda

After a series of strike-outs like last year's *Same Time, Next Year* and *California Suite*, Alan Alda has finally made good. In *The Seduction of Joe Tynan*—forget the dreadful title—he at last gives a movie performance that captures the brittle tenderness of his work on TV's *M*A*S*H*. As Tynan, a likable liberal Senator from New York, Alda usually ends up on the side of right, yet he manages to take the sanctimoniousness out of heroism. His Senator is self-critical, unpretentious and witty. He also looks great in a three-piece suit. Were this fellow actually to enter a primary, New York's incumbent Democrat, Senator Daniel Patrick Moynihan, would be in serious trouble.

It is not entirely by chance that Joe Tynan is Alda's breakthrough role: he wrote the movie himself. He is not yet a polished craftsman; the overambitious screenplay tosses out far more narrative lines than it can possibly pull back in. Still, Alda has an instinct for intelligent comic dialogue, a willingness to engage hard issues and a sure touch for creating characters of all ages and genders. Better a jerry-built movie about solid people than the reverse.

The script creates an exhausting round robin of ethical and personal conflicts for its hero. Should Tynan lead the fight against a racist Supreme Court nominee, or should he remain silent out of deference to an old colleague (Melvyn Doug-

las)? Should he carry on an affair with a bright Southern civil rights lawyer (Meryl Streep) or remain faithful to his equally bright and attractive wife (Barbara Harris)? Should he pursue his presidential ambitions or spend more time at home with his increasingly estranged kids? Not only do these dilemmas have the aura of the casebook about them, but they are also resolved perfunctorily and predictably. Nor is Alda's vision of the political scene very fresh. The film's breathless rehash of the G. Harrold Carswell case and its failure to acknowledge the active role of the post-Watergate press corps in Washington date it by a decade. The stale details of Director Jerry Schatzberg's grander set pieces—among them a predominantly white and middle-aged Democratic Convention—look like the '50s of *Advise and Consent*.

The intimate sequences are what give the movie its many antic and touching moments. For once, a movie love triangle features two strong heroines and credible, erotic bedroom scenes. As the troubled wife, a psychologist who loves her husband but despises public life, Harris refracts her wonderful daffiness through a spectrum of conflicting emotions. Streep, in her first comic screen role, is at once a canny politico, a blithe belle and an uninhibited sexual partner. Like Katharine Hepburn, she uses her regal beauty and bearing to make her sudden descents to earth all the more exciting. There are also crisp contributions from Douglas as the fading Senator, Charles Kimbrough as Tynan's most possessive aide and Rip Torn as a sort of Wilbur Mills before the fall. When a movie has parts as fine as these, one can almost forget that they do not add up to a triumphant whole.

—Frank Rich

Dissonance

ORCHESTRA REHEARSAL

Directed and Written by
Federico Fellini

The burnt-out visions of the catastrophic Casanova behind him, Federico Fellini has returned to film making in a new guise. *Orchestra Rehearsal*, a 70-minute movie originally made for Italian television, marks Fellini's debut as a political artist. Perhaps the change was inevitable. This director's latent pessimism matches perfectly the gloomy social landscape of chaotic contemporary Italy. Or so one might hope. In *Rehearsal*, Fellini is so enthralled by his polemic that he forgets to let his imagination take flight. A film that should have been his equivalent to Godard's *Weekend* or Wermuth's *Love and Anarchy* is instead a pedantic, if playfully illustrated, ideological chalk-talk.

Fellini's crucial error is his movie's governing conceit. *Rehearsal* is built on a single, restrictive metaphor: the notion that a symphony orchestra can stand as a paradigm of society as a whole. Set entirely in a lovely 13th century oratory, the film ostensibly describes the rehearsal of an unnamed piece by the late film composer Nino Rota. But very quickly Fellini bends his dramatic situation into a cautionary tale about the dangers of anarchy. The musicians begin by goofing off and refusing to play together; then they break into open, violent revolt against their German conductor (played by Baldwin Basa); finally they calm down and accept their leader's authority. The film's ominous finale shows the conductor barking Hitler-like commands to his now submissive charges. In other words, Fellini is making the conservative point that revolution is but a way station on the route to fascism.

Curiously, British Playwright Tom Stoppard has used the same metaphor to make essentially the same point in his *Every Good Boy Deserves Favour* (1977), a 70-minute theater piece for actors and orchestra. Stoppard enlivened his schematic political lesson with wit, and so, at times, does Fellini. In the film's first half, a visiting TV documentary team interviews the musicians and gets a lively response. A flutist turns a cartwheel. A drummer attacks the piano as a "charterbox." An insomniac trumpeter confides that with his instrument, "a clinker is death." Once anarchy takes hold, however, the idiosyncratic individuals are drowned out by the director's spectacle. Just as Fellini gives us a German conductor-cum-dictator to hammer home his message, so he creates his supposedly symbolic revolution out of such literally minded devices as graffiti, falling plaster and gunshots. Certainly the movie's point comes through loud and clear, but, as art, *Orchestra Rehearsal* is distressingly tone-deaf.

—F.R.

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Cinema

Gay Birds

LA CAGE AUX FOLLES

Directed by Edouard Molinaro
Screenplay by Francis Veber,
Edouard Molinaro, Marcello Danon,
Jean Poiret

La Cage aux Folles is a sort of *Guess Who's Coming to Dinner* (with overtones of *Father of the Bride*) for the '70s. It is a comedy about the chaos and confusion that occur when two families who don't know each other and who have, to say the least, conflicting values, meet for dinner. Their aim is to cooperate in a civilized manner in the marriage of their only children. The girl's father is a French politician noted for his devotion to an organization known as the Union of Moral Order. It is supposed to rescue traditional standards from their assault by wayward modernism. The boy's father (Ugo Tognazzi) is a homosexual. But not just any ordinary homosexual. He is the owner of the nightclub whose name—it means "Birds of a Feather"—gives the film its title. The club features drag queens, notably Zaza (Michel Serrault), Dad's lover of 20 years. Zaza is so into his role that now, having reached a certain age, he is giving a first-rate impersonation of a menopausal hysteric.



Serrault and Tognazzi in *Cage*
Guess who's coming to dinner.

Sounds like a very strained jape, doesn't it? Well, it is not. Indeed, this may turn out to be the warmest comedy of the year. For father really loves son, and would do anything to secure his happiness, while Zaza is really a very nice person underneath his plumage and his craziness. The girl has told her parents that

her beloved's father is the Italian consul in Nice. Fine, then Zaza will act that role. Out go all the gay trappings of this fine-feathered nest, and in come crosses and furniture that would be too severe for a monastery. Another crisis occurs when the boy's real mother, hastily recruited for the occasion, is delayed. Very well, Zaza will do his hilarious best to fill in—even though he is, if anything, less able to play a straight woman than a straight man. There are, along the way, some marvelous set pieces, most especially when Zaza is taking lessons in how a man sits in a chair or butters toast.

But what really makes the picture work, beyond the expert playing of Tognazzi and Serrault, and the deft construction of the plot (adapted from a classically well-built French stage farce), is the attitudes—or, rather, lack of attitudes—of all concerned. The film accepts the gays as generously as it accepts the girl's recalcitrant parents. Though the gays must make eccentric adjustments to the exigencies of living, their behavior is viewed as no more unusual than the quirks everyone develops to get through the day as pleasantly as possible. Given a little good will and a lot of mad improvisation (and not too many strains on our dignity), we can all make it. Or so says this giddy, unpretentious and entirely lovable film in its quite original way. —Richard Schickel

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Black pupils from Ann Arbor, Mich., on their way into Detroit's federal courthouse

Milestones

DIVORCED. Lindsay Wagner, 30, TV's *Bionic Woman*; and Actor Michael Brandon, 34; after 2½ years; in Los Angeles.

DIED. Nicholas Monsarrat, 69, English novelist who evoked his World War II adventures in the Royal Navy in several of his books, including *The Cruel Sea* (1951), which sold 11 million copies; of cancer; in London.

DIED. John Cardinal Wright, 70, gregarious supervisor of the Roman Catholic Church's 410,000 priests since 1969; of polylyposis; in Cambridge, Mass. As Bishop of Pittsburgh (1959-69), the Boston-born Wright was a fierce battler against racial discrimination, an opponent of the Viet Nam War and an outspoken theological conservative, opposing the ordination of women. He was also an authority on Joan of Arc. Even as the highest ranking American in the Vatican Curia, he never forgot his roots, dining nearly every Saturday on Boston baked beans.

DIED. Walter F. O'Malley, 75, former president of the Brooklyn Dodgers who in 1958 moved "da bums" to Los Angeles, thus introducing major league baseball to the West Coast; of a heart attack; in Rochester, Minn. A brusque, chunky man who called himself "Fatso," O'Malley made a fortune buying up Depression-cheap mortgages, and in 1950 acquired a controlling interest in Dodgers stock. When local politicians blocked his plans to build a stadium to replace Brooklyn's decrepit Ebbets Field, O'Malley made good on his warning, "Have franchise, will travel." O'Malley further enraged New York fans by persuading Giants Owner Horace Stoneham to move his team from Manhattan to San Francisco. The era of rootless ball clubs began. In the West the Dodgers proved a gold mine and last season drew more than 3 million fans—a milestone in baseball history.

DIED. David J. McDonald, 76, president of the United Steelworkers of America (1952-65); of cancer; in Palm Springs, Calif. A third-generation labor organizer, McDonald claimed, "I was born with a union spoon in my mouth." In 1959 he staged one of the costliest strikes in U.S. history—a 116-day walkout. Under fire as a "tuxedo unionist" who had lost touch with the rank and file, he surrendered his post in 1965 to his deputy, I.W. Abel.

DIED. Jacob S. Potofsky, 84, president of the Amalgamated Clothing Workers of America (1946-72); in New York City. At 15, the Ukrainian-born Potofsky joined fellow pantsmakers in a strike that led to the founding of the Amalgamated by Sidney Hillman. As Hillman's protégé, he helped to introduce such benefits as union banks, cooperative housing and health centers. Elected president upon Hillman's death, Potofsky became known as a masterful negotiator and a political activist.

Education

Outcry over "Wuf Tickets"

Black English vs. standard usage in the courtroom

Many of the black kids at Ann Arbor's Green Road Housing Project in Michigan do not talk much like their well-to-do white classmates at the neighborhood King elementary school. Some of it is simple pronunciation: "We do math work" for "We do mathematics work." Some of the differences lie in odd verb tenses: "Sheah hit us" for "She will hit us." More often the difference involves the verb "to be." Green Roaders say, "He be gone" when they mean, "He is gone a good deal of the time"; "He been gone" when they mean, "He's been gone for a long while"; and "He gone" when they mean, "He is gone right now." Some is pure idiom. "To sell wolf tickets" (pronounced wuf tickets) means to challenge somebody to a fight.

Such speech, widely known as black English, is customarily pounced upon by teachers trying to teach standard English usage. Though that would seem a normal part of pedagogy, a small group of Green Road parents felt that teachers were expressing their disapproval of black English too harshly, causing student embarrassment and hurting the children's chances to learn. The parents filed a federal suit in Michigan's Eastern District Court, demanding that school authorities "recognize" black English as a formal dialect with historic roots and grammatical rules of its own.

Like most Green Road parents, the plaintiffs want their children to use standard English, but they insisted that the school respond more sympathetically to

the dialect in teaching. "Language is like clothing," said University of Michigan Professor Daniel Fader, testifying on behalf of the children. "When you take it away from the child, you leave him naked." As Attorney Gabe Kaimowitz insisted, "We're looking for use of black English as a bridge to get kids to use standard English."

The suit divided Detroit's black community. "A mountain out of a molehill," said Detroit N.A.A.C.P. President Larry Washington. "The dominant language of this country is English," added Washington. "If our children are to increase their chances, that's what they have to be taught." School officials insisted that the suit was unnecessary and cited as evidence an existing volunteer training course in the techniques of teaching standard English to black English speakers.

After three weeks of argument, U.S. District Judge Charles W. Joiner concluded that the school had not been as sympathetic as it should have been. In a 43-page opinion that is expected to serve as precedent for other legal challenges, Joiner provided the first judicial acknowledgment that black English is a distinct dialect, not just slovenly talk, and ordered the Ann Arbor school district to prepare a plan for teaching black English speakers. Last week the district announced a \$42,000 special program. All teachers at the King school will now be required to take "sensitivity courses" in how to steer small pupils tactfully away from "wuf tickets" and into the verb "to be." ■

Music

Burning Down the Dollhouse

David Johansen, rocking hard, stakes out his own territory

First he heard the name wrong, then he mispronounced it. And spelled it out cockeyed on the record label. But listen to David Johansen sing *Swaheto Woman*, and you know he has made no mistake.

Johansen had seen some pictures of the people of Soweto, a South African ghetto, and decided that he wanted to write a tune that caught the particular combination of "being oppressed and always wanting to party at the same time." He may have got the name wrong, but the address is perfect. The song pulses so hard with fierce joy and feckless humor that the grooves of the record almost bubble up under the needle. Not long before his new album, *In Style*, was released last month, Johansen discovered his spelling bloopers. There was time enough to change things to meet world-atlas standards, but Johansen decided to let it stand as Swaheto. "Makes it bigger that way, more universal," he will explain, if pressed. "I think I did it right."

That disregard for the rules, that same off-you lunge for the heart of the melody, makes David Johansen, 29, the prodigious rocker that he is and makes *In Style* the streamlined scorcher of the year. Ten full-tilt rock tunes that give no quarter. Stand back; this man's a monster.

Not so long ago, however, Johansen seemed like a monster of another sort, a hobgoblin who fronted a band of seemingly demmented demons called the New York Dolls. Now the Dolls seem like the respectable progenitors of punk. But back in 1973, when the group first formed and Johansen, only a few years out of high school, signed on as lead singer, the Dolls looked like harbingers of a rock apocalypse. Glitter, outrageous costumes, strong intimations of dressing-room decadence made them notorious. Their mode may have been *outre*, but their music was just good old rock 'n' roll sandblasted back to life. The Dolls laid down a searing, pop-inflected rock, proudly rooted in rhythm and blues, that could pound your ears into flapjacks. Sardonic anthems like *Personality Crisis* and *Vietnamese Baby* did not sit easy on a pop establishment that was still recovering from flower power and cuddling up to the peaceful, easy feeling of the California sound. The Dolls made two records and

then, in 1975, broke apart like true rock-'n'-roll kamikazes. Drug problems. Women problems. Career stalemates.

Contract wrangles kept Johansen out of the recording studio, pretty much confining him to a narrow circuit of club dates that paid the rent for two years, while lawyers and managers settled the future. His first solo album, finally released last spring, was full of high-vaulting songs per-

ing include some years in parochial school dodging the discipline of the nuns and four years of public high school in Staten Island, a blue-collar enclave that most New Yorkers regard as little more than the place the ferry stops before it turns back toward Manhattan. Johansen made that ferry trip a lot, voyaging into Greenwich Village at an age when most kids are sweating out the junior varsity cuts. His first high school band was Fast Eddie and the Electric Japs ("We used all Japanese equipment—real cheap—and hung a souvenir war flag of the Rising Sun behind us"), from which Johansen graduated to another group more easily than he graduated from Port Richmond High ("Lunch was definitely my favorite subject"). The Vagabond Missionaries played small-club dates, scored big in a local battle of the bands, eventually put their amps in shopping carts and carried them aboard the ferry, sailing for the big time. They got a gig at the Café Wha?, then soon went their separate ways. Johansen was the only one who never looked back. Two years later, he was raising hackles and testing the limits as the lead singer for the Dolls.

Johansen has not strayed far from the best Dolls tradition, even as he has claimed territory that is all his own. He still leaps about onstage, doing splits and pulling stunts that would fatigue Mick Jagger just to contemplate. And he still sings as if he has a gun pressed to his temple: if it's a love song, every line is a plea for life. If it is one of his high-wire rockers, the song is like a last attempt to go out in a blaze of musical glory.

Relaxed and bemused in conversation, with the slightly seedy, long-legged grace of the star forward on a reform-school basketball team, Johansen in performance is like the living soul of big city rock, restless and implacable. He works fast (lyrics for three of the tunes on the new album were written while the band was off having dinner), performs at white heat. He likes to keep the music simple, the lyrics spare, so that a song like *Flamingo Road* reaches high and wide, becomes an angry, baiting confessional stashed inside a catchy pop threnody. *Flamingo Road* is a place where many of Johansen's obsessions—fashion, high romance, lowlife—all meet and rebound off one another until they form dead ends. *Flamingo Road* is the street where love is lost and where dreams die. It is probably off somewhere on the far side of Swaheto. You will never find it in Miami Beach. —*Jay Cocks*



David Johansen in a moment of uncharacteristic calm during a concert
From a rock-'n'-roll acolyte, the full-tilt scorcher of the year.

formed with his typical breakneck energy, but the record seemed unfocused, finally, as if the release of feeling after such a long time was substance enough. "I was kind of coming in from the rain on that one," he says now. *In Style* is more cohesive. It represents Johansen at his best. By sheer velocity alone it could shake the Top Ten out of its discoffed trance dance. The raw intensity of the sound is, paradoxically, the very thing that may thwart the record commercially. Whatever its fate on the charts, *In Style* shows Johansen as a rock-'n'-roll acolyte—part anarchist, part jester, part street bopper—keeping the faith alive.

Johansen's credentials for such a call-

Show Business

Fire and Ice a Mile High

NBC shoots a movie on top of a mountain

In the script the scene took a few lines and a gallon or two of purple ink. The helicopter slams into the rock "with a grinding scream, the blades crumple back like spaghetti, still twisting in a slow-motion convulsion of shrieking metal. Like a great dying bird, it seems to keel over in a last agony, twisting downward in a wrenching, moaning death. *Whoomp!*" But that scene, and particularly that *whoomp*—in NBC's upcoming made-for-TV movie *High Ice*—took six weeks and more real-life dash and daring than will likely be visible on the 19-in. screen.

According to the plot of the \$1.8 million film, which will probably air early next year, two young couples who climb mountains on weekends are caught in an avalanche. One of the men is killed, and the three survivors are trapped on a tiny ledge, with nothing but frigid air and a glacier beneath them. An Army helicopter spots them, but when it angles down for a rescue, it bangs into the side of the mountain and crashes to the ice below.

Most of the movie's close-up action, featuring Actors David Janssen, Tony Musante and Madge Sinclair, was shot on a set constructed in the community center gym of Darrington, Wash. But the helicopter scenes were shot 4,200 ft. higher up, on and around the sheer rock face of White Horse Mountain in the northern Cascades. Director Eugene Jones spent six months finding just the right-size ledge, which measured an appropriately uncomfortable 31 ft. by 3 ft.

Helicopter arriving to rescue climbers

Professional climbers, including Beverly Johnson, who was the first woman to scale Yosemite's El Capitan by herself, were recruited for the high work. They doubled for actors and assisted cameramen who were lashed to precarious ledges. Everyone was ferried up by helicopters borrowed from an Army Reserve unit, and most of the crew worked 14-hour days over a period of six weeks. Several chose to remain overnight in a cave on the rock face. "There was one guy who was like a human fly," marvels Captain Richard Dominy, the commander of the copter unit. "He liked it so much up there he didn't want to come down."

To film the exploding helicopter, the hardest shot of all, the shell of a Viet Nam-vintage Huey chopper was filled

Filming from a precarious perch



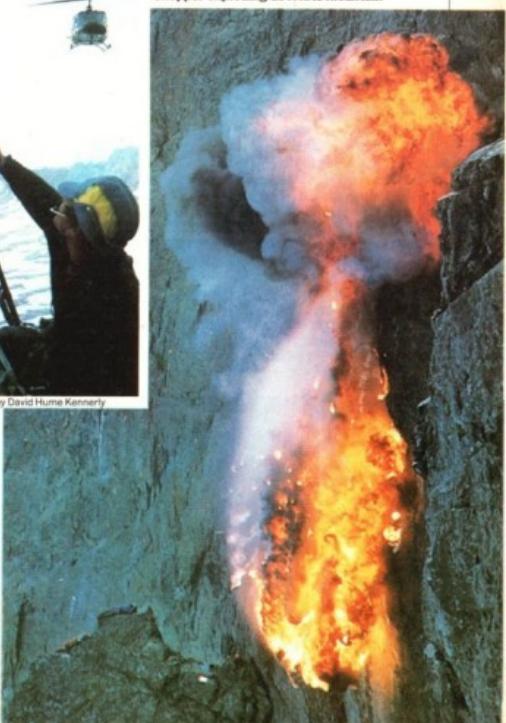
Photographs for TIME by David Hume Kennerly

with explosives and hoisted aloft on a 220-ft. cable by a larger Chinook. Then it was hung by cables attached to the rock itself. Either the cables were not fastened tightly enough, however, or a rock sliced them apart, because the Huey fell to the ground and exploded before cameras could be set up.

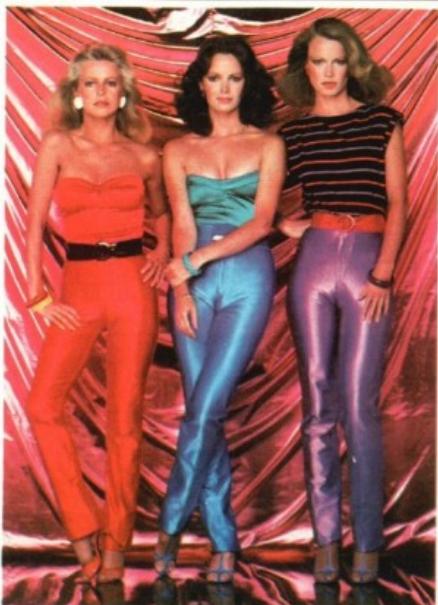
Jones located another chopper body and tied it more firmly to the rock. Demolition Expert William Balles loaded it with C-4 plastique, 50 gal. of gas, and black powder wrapped in naphthalene—a mix designed to make the explosion as fiery as possible. A special "cable-cutting" charge was planted to send the Huey tumbling at just the right moment. When the copter blew up, on cue this time, the sound was heard 40 miles away. One local radio station called it a sonic boom.

Despite the danger to all involved, there were no major injuries. Relieved, Jones relaxed by shooting a nude scene between two of the actors. American viewers will not see that sequence, but he figures it will help attract theater audiences in Europe, where audiences apparently think *whoomp!* means something other than an exploding helicopter. ■

Chopper exploding as it hits mountain



People



Hack (right) and Angels Ladd and Smith make cherubic cheesecake

Two courses that **Shelley Hack** never needed as a history major at Smith were how to handle a snub-nosed .38 and the proper way to kick nasty men in the ribs. Neither did she require such talents as the sybaritic Charlie perfume girl. But both are in her curriculum now that Hack, 31, has replaced **Kate Jackson** in the trio of *Charlie's Angels* alongside Veterans **Cheryl Ladd** and **Jaclyn Smith**. Artfully imitating

her own earlier life, Hack will play a Seven Sisters seraph named Tiffany Welles. As such, she has to bite the Angel dust from time to time. In one early scene, for instance, Hack is overpowered by hired killers on a Mexican island; Ladd and Smith, of course, rescue her before the final commercials. Hack at least needed no lessons in how to look stunning when the Angels pause for cherubic cheesecake.



Benji and MacLeod with Marine Astronaut Jack R. Lousma

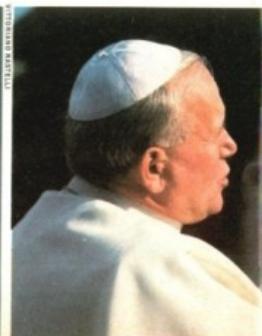
He is not even a purebred dog like a Doberman pinscher or a German shepherd. So how does a mutt like **Benji**, though he is a movie star, get to be named co-chairperson of a humans' charity committee? It seems that the Marine Corps Reserve, launching its 32nd Toys for Tots campaign to provide Christmas gifts for underprivileged children, thought that dressing Benji in a space suit might lure more contributions. Television's *Love Boat* captain, **Gavin MacLeod**, agreed to be Benji's co-chairperson, ignoring the vaudeville maxim, never follow a dog act. "Listen," said MacLeod, "he's a better partner than a lot of two-legged dogs I've worked with."

Comforting yet another notable client was California Divorce Lawyer **Marvin Mitchell**. She is doe-eyed **Soraya Khashoggi**, 33, wife of **Adnan Khashoggi**, 44, a Saudi Arabian entrepreneur whose business



Soraya Khashoggi after filling suit

deals have earned him at least \$4 billion. At 15, Soraya, born in England as Sandra Jarvis-Daly, changed her name and converted to Islam to wed Khashoggi. There followed five children and duties, she maintains, as his adviser and



global representative. Then came a heartrending discovery: he no longer loved her. Five years ago in Lebanon, Khashoggi divorced her. That divorce, suggests Mitchelson, was invalid. Nevertheless, citing "irreconcilable differences," Soraya last week sadly filed for a legal separation from Khashoggi, whose possessions include five jets and a \$2 million Manhattan duplex complete with swimming pool. Never mind Lebanon; she filed in California, where community property laws could give her \$2 billion plus \$540 million for heartbreak.

In his tenth movie, *Die Laughing*, Robby Benson, 23, is practically the entire show. He stars, wrote the script with his father Jerry Segal, and composed five songs for the score. Benson plays a cabby trapped in an espionage plot who is lucky enough to have Elsa Lanchester, 76, as a sort of guardian angel. Her explanation of her role is vintage Lanchester: "You see, I have to go up into the California vineyards in an

effort to help Robby, who's been caught by alien agents because his monkey that I'm taking care of has the secret for turning waste into plutonium or something. But I'm giving away the plot." You are?

How I Spent My Summer Vacation, by Edward Moore Kennedy, Massachusetts' Senator. When the Congress finally adjourned, I carried on a family tradition. Gathering up 15 children, including my Kara, Teddy Jr. and Patrick, as well as *Ethel's* Christopher, Max, Douglas and Rory, *Emmett's* Mark and Anthony, and some of their friends, I set out in a camper for a fun-filled tour across my home state. We rode the roller coaster, the Dodgem cars and the wave swinger ride at the Riverside amusement park in Agawam. We camped out in sleeping bags. We canoed on Pontoosuc Lake, where Rory and I got doused good when our canoe overturned. We never had to send a single postcard because every place we went, we were trailed by reporters and tele-



Senator Kennedy and entourage riding the wave swinger in Agawam

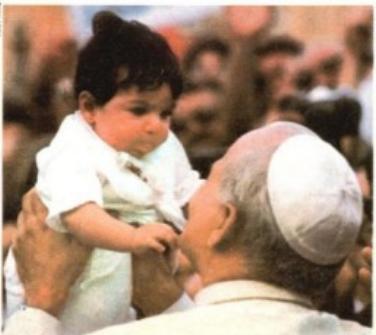


Benson lays a kiss on Guardian Angel Lanchester on *Die Laughing* set

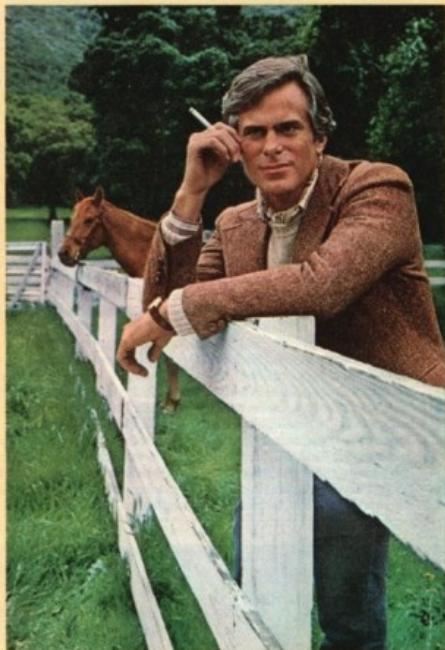
vision crews. All wanted to know when I would declare for the presidency. I told them, "I expect President Carter to be renominated, and I intend to support him." I do not think they believed me.

All Popes by doctrine are blessed with papal infallibility, but John Paul II appears to be the first who also possesses papal infatuation. Certainly no predecessor within memory ever demonstrated the talent for baby kissing that the new Pontiff has displayed. During Vatican audiences and on his trav-

els to Mexico and his native Poland, the sequence has been the same: John Paul reaches into the throng, expertly hefts a baby, and with arms burly from swimming and skiing, hoists the child overhead before bestowing a papal buss. Vatican aides are discomfited by the innovation, which slows processions and complicates protocol, but crowds love it, and the babies' mothers weep copiously. Visiting the U.S. this fall, John Paul should have plenty of opportunity to demonstrate his specialty in a country where baby kissing is an old political custom.



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Behavior

Retreat for the Troubled

Summer fun and therapy for problem youngsters

The camp dining room is in an uproar. The "Sunfish" are wolfing down peanut butter and jelly sandwiches. The "Hawks" have already devoured the main course and are biting into fudge brownies. By all appearances, Wediko, a 480-acre forest retreat in central New Hampshire, is like any other summer camp. But it has youngsters like Anthony, 9, who giggles uncontrollably; Alice, 8, who counters the slightest frustrations with tantrums; and Harold, 11, a handsome, charming child of the streets whose smile hides deep currents of anger that can erupt any time.

Founded in 1934 by the late Freudian analyst Robert Young, Wediko is the nation's oldest therapeutic camp for disturbed youngsters. Once it took only boys who had relatively minor neuroses. Today Wediko is more daring. Supported by private and public funds (cost per child: \$1,500), it accepts badly troubled youngsters of both sexes. Of its 144 campers this summer, many have been battered and sexually abused. Some refuse to eat; others are withdrawn, suicidal and even homicidal. Explains Psychologist Hugh Leichtman, the camp's director: "These children are very resistant to change."

Yet after their seven-week stay at Wediko, says Leichtman, some 85% of the youngsters do change—for the better. Borrowing from such varied theorists as the neo-Freudians, behaviorists and the Swiss psychologist Jean Piaget, Wediko's program is a blend of fun (canoeing, cookouts, archery, swimming) and therapy. The youngsters are assigned to groups ("Otters," "Chipmunks," "Sunfish") that meet each morning to plan the day's agenda. There, explains Leichtman, the kids "learn reciprocity, patience, negotiation, compromise." They also get peer support: Harold, for instance, always turned up in the thick of things whenever trouble began. Aware of this distressing tendency, his buddies prodded him to stop meandering around "like a butterfly."

Though the youngsters have been inured to failure throughout their lives, Wediko guarantees that they succeed at something. Even the smallest gain, say mastering the ability to sit still or participating in a sports activity, brings coupons. These may provide admission to showings of popular oldtime movie serials, or, if an entire cabin does well, a special dessert for everyone. As the summer progresses, it takes more coupons to get a prize. By contrast, misbehavior means a loss of coupons and privileges. One Wediko innovation is called Think City, whereby youngsters sign a "contract" accepting instruction in a particular subject.



Counselor with the "Otters"



Therapist mixes guidance and carpentry
Lessons in patience and self-control.

Harold agreed to learn self-discipline by paying heed to his math lessons.

Inevitably, there are setbacks. Hardly a day goes by without a crisis. Counselors are threatened; youngsters run off. But the psychologically trained staffers (five for every ten campers) usually intervene quickly and after a talk return the child to the day's activity. Only in extreme cases are kids banished to "Group Zero," a grassy area near the counselors' quarters, where they are left by themselves to think about their errant ways. Says Leichtman: "In a relatively short time, the child begins to understand his behavior and begins to take responsibility for it and control it."

Wediko's dedicated workers are under no illusion that one summer can cure such troubled children. Many may need years of supportive therapy. When she returns home, Alice, for example, will still have to contend with her mother's violent boyfriend. Still, while the season's gains may be eroded, the memory of Wediko may linger, providing hope in summers ahead.

Unlikely Mama

A baby chimp is adopted

The future looked bleak for Roosje, or Little Rose. The latest member of the famed open-air chimpanzee colony at The Netherlands' Burgers Dierenpark, near Arnhem, she had been born to a handicapped mother who could not care for her. Sadly, Zoo Manager Antoon van Hooff took Roosje home for bottle feeding. After being isolated from her peers, Roosje would probably never be accepted by the colony and would be sent to another zoo to grow up caged.

But Animal Behaviorist Frans de Waal of the State University of Utrecht had a better idea. Why not try to find another mother for Roosje? Her keepers chose Kuij, a high-ranking female in the colony. A worker began vigils outside Kuij's night cage holding bottle and babe. At first, Kuij did her best to hide her keen curiosity; in the chimp world, no one is supposed to approach a newborn without its mother's consent. After two weeks, Roosje was placed inside Kuij's cage, and to the scientists' delight, Kuij immediately cuddled her new charge, took a bottle, then awkwardly but lovingly began to feed Roosje. Remarkably, too, Kuij soon was producing milk herself, her mammary glands stimulated by her new baby.

For Van Hooff, who started the colony in 1971, the adoption is an exhilarating success. He points out that the new mother knew all along she was accepting a baby not her own. His next task: introducing Roosje to the colony in hopes that the other chimps will accept her.

Medicine

Cancer Cocoon

Do tumors have a shield?

One of cancer's great puzzles is how malignancies escape detection and destruction by the body's protective immune system. Cancer cells are known to carry distinctive surface proteins that should act as antigens, immunological alarms. Normally, the bodily defenses respond by alerting and marshaling antibodies, lymphocytes and macrophages, which attack the unwanted cells. But in the case of cancer, the attack is stifled or never gets underway.

Last week a husband-wife team at Boston's Massachusetts General Hospital and their colleagues offered a possible explanation that may also suggest new cancer therapies. In their view, some malignant cells escape detection by getting the body to form a womblike cocoon around the tumor.

tion of a protective shield of fibrin gel around them. One substance encourages nearby blood vessels to leak plasma; another turns fibrinogen, a plasma constituent, into fibrin; the third diverts immune cells away from the growing shield. Dvorak speculates that the tumor's chemical weaponry is so sophisticated that the fibrin itself encourages growth of blood vessels in the vicinity of the tumor, providing the malignant cells with a nourishing blood supply. As it enlarges, the tumor appears to secrete a fourth chemical that dissolves the shell from the inside yet does not break its outer layer.

By all this biochemical wizardry, the tumor has in effect duped the body into regarding it as a wound to be healed rather than as a lethal intruder. Says Dvorak: "The tumor is a sophisticated and subtle parasite that uses the host's own defense mechanism against the host."

The new theory is still far from proved, but it could have important consequences. If human tumors turn out to



Harold and Ann Dvorak before a wall display illustrating their findings
A sophisticated and subtle parasite that exploits the host's own defenses.

The discovery by Pathologists Harold and Ann Dvorak, along with W. Halowell Churchill of Boston's Peter Bent Brigham Hospital, results from three years of work with guinea pigs. It is based on two vital clues provided by earlier investigators: first, some tumors have nearby deposits of fibrin, the substance of blood clots, which prevents further bleeding after injury; second, tumors are often associated with slight, local hemorrhaging. Using sophisticated microscopy techniques, the Boston researchers began looking at the point where the tumor meets healthy tissue. Explains Harold Dvorak: "That would have to be the battlefield on which they fought."

What the team found was that early in their development, tumors secrete three powerful chemicals that promote forma-

work in the same way, more effective strategies against cancer could be developed. One possibility is already being tried by specialists: administering anti-clotting drugs to prevent fibrin deposits. Another approach would be to find a substance that breaks down the cocoon from the outside, allowing the immune cells to get at the tumor. A third tactic that Dvorak and his colleagues are planning to explore is the production of antibodies against the tumor's own chemicals. There is one caveat in these strategies: all could possibly interfere with healing processes in normal tissue and lead to serious bleeding. But, says Dvorak, some bleeding might be less dangerous than many of the destructive anticancer drugs and radiation treatments now being used. ■

Capsules

AN OSY CONTRACEPTIVE

"Honey, did you take a sniff today?" That could some day become a standard question among men and women. Writing in the British journal *Lancet* last week, Researchers Christer Bergquist, Sven Johan Nilsson and Leif Wide of the University Hospital of Uppsala, Sweden, reported progress toward an unusual goal: the development of a nasal spray contraceptive. In their work, they used a derivative of a hormone known as LRH (for luteinizing hormone-releasing hormone). In high daily doses the experimental chemical inhibits ovulation by curtailing the secretion of still other hormones called gonadotropins, essential for the maturing and release of the eggs. For periods ranging up to six months, they administered the synthetic version of LRH to 27 women, aged 21 to 37, only one of whom also relied on an I.U.D. The drug was remarkably effective. Only two women showed any signs of ovulation—probably because of faulty dosages, the doctors suspect. Though the hormone's long-term effects are still unknown, immediate side effects were limited to coldlike sniffles and temporary headaches. There is speculation that LRH derivatives may also prove useful as a male contraceptive since gonadotropins regulate the production of sperm, but the actual marketing of a nasal contraceptive for either men or women is years away.

IS MALE MENOPAUSE A MYTH?

Though it has long been known that male sexual ability declines with age, doctors have never been sure of the reason. The most widely accepted explanation among scientists is that levels of the sex hormone testosterone drop after reaching a peak between ages 20 and 30, producing in effect a "male menopause." Now that theory has been challenged. In a study of 73 men, from 25 to 89 years old, Dr. S. Mitchell Harman and fellow researchers at the National Institute on Aging confirmed that there was decreasing sexual activity with advancing years but that levels of testosterone remained remarkably stable after age 30. These results conflict directly with other studies undertaken in the past five years. Harman thinks he knows the reason: the earlier work included men in hospitals and nursing homes whose hormone levels might have been affected by chronic illness, obesity or alcoholism. In contrast, the NIA subjects were all healthy, vigorous men. Yet if there is no such thing as male menopause, what causes the sexual decline? Harman suspects that it may be owing at least in part to changes in the central nervous system's ability to send messages along its numerous pathways. ■

Books

American Death Trips

THE WHITE ALBUM by Joan Didion; Simon & Schuster; 223 pages; \$9.95

She stands there in her dust-jacket photograph, a tiny woman of 95 lbs., with the figure of a spare 14-year-old. She stares out with the enormous, haunted eyes of a Keane waif, of a wounded bird, menaced and fragile. Readers who have grown over the years to admire the superb moodiness of Joan Didion's prose have first had to learn that this alarming vulnerability is an affectation and a part of her strategy as a writer. Despite all the fits of weeping and the killer migraines and the California dreads that blow across her novels and essays like the Santa Ana winds, Didion is on the whole as tough as a bounty hunter, and about as fragile as a brick of molybdenum. The wounded bird is even something of a predator.

Didion's novels (*Play It As It Lays*, *A Book of Common Prayer*) are less interesting than her collections of magazine pieces; paradoxically, the novels do not exert the dramatic force of her journalistic essays. Didion is best when the literary transaction is personal and direct, when she is a live character reporting her own wanderings through the splendidly strange California of the late '60s and the '70s, a California that elaborately belongs to her because it is in part her own invention, like the persona that describes it.

There are moments when Didion overdoes her performance of journalism-as-nervous-breakdown. "I was in fact as sick as I have ever been when I was writing 'Slouching Towards Bethlehem,'" she wrote about the title piece of her brilliant 1968 collection. "The pain kept me awake at night and so for twenty and twenty-one hours a day I drank gin-and-hot-water to blunt the pain and took Dexedrine to blunt the gin and wrote the piece." Her new collection of magazine articles, *The White Album*, contains a disagreeably calculated column she wrote for LIFE in 1969. "I had better tell you where I am, and

why," Didion begins. *Uh oh.* The student of Didion is not surprised to learn that she is sitting with her husband in a room in the Royal Hawaiian Hotel in Honolulu (a farcical stage setting), waiting for a tidal wave (which somehow acquires added metaphysical meaning from the fact that it never shows up) and trying to avoid the subject of whether to get a divorce.

Didion as a rule uses her self-



Joan Didion

Excerpt

"We tell ourselves stories in order to live. The princess is caged in the consulate. The man with the candy will lead the children into the sea. The naked woman on the ledge outside the window on the sixteenth floor is a victim of accidie, or the naked woman is an exhibitionist, and it would be 'interesting' to know which. We tell ourselves that it makes some difference whether the naked woman is about to commit a mortal sin or is about to register a political protest or is about to be, the Aristophanic view, snatched back to the human condition by the fireman in priest's clothing just visible in the window behind her, the one smiling at the telephone lens. We look for the sermon in the suicide, for the social or moral lesson in the murder of five. We interpret what we see, select the most workable of the multiple choices. We live entirely, especially if we are writers, by the imposition of a narrative line upon disparate images, by the 'ideas' with which we have learned to freeze the shifting phantasmagoria which is our actual experience."

dramatizations with an artist's instinctive discretion. She is an alert and subtle observer, with a mordant intelligence and a sense of humor with touches of Evelyn Waugh in it. She offers a lethal description of fatuous Hollywood political chatter. "Those who cannot remember the past are condemned to repeat it, someone said to me at dinner not long ago, and before we had finished our *fraises des bois*, he had advised me as well that 'no man is an island.'"

The White Album is full of the bizarre details, the eye for blinding weirdness, that made *Slouching Towards Bethlehem* one of the purest leftover artifacts of the '60s. Didion again collects clippings of American death trips: the brothers who bludgeoned Ramon Novarro, for example; and the 26-year-old woman who put her five-year-old daughter out to die on the center divider of Interstate 5 some miles south of the last Bakersfield exit; the child's fingers had to be pried loose from the Cyclone fence when she was rescued twelve hours later by the California Highway Patrol.

In Didion's pieces, the players of the late '60s and the '70s come back in their vivid dementia: Hell's Angels, Jim Morrison and the Doors, Huey Newton, Bishop James Pike. Charles Manson peers in at the window. Linda Kasabian, the star prosecution witness against Manson, recruited Didion at one point to go to L. Maginn in Beverly Hills and buy her a dress for court: "Size 9 Petite. Mini but not extremely mini. In velvet if possible." Didion and Roman Polanski turn out to be godparents to the same child.

But *The White Album* is mellower than *Slouching Towards Bethlehem*. Didion ranges more widely. A libertarian with a trace of Goldwater in her, an individualistic Westerner, Didion writes witheringly of bureaucrats who would tie up the Santa Monica Freeway (an eccentric passion of the woman in the yellow Corvette) by installing the restrictive "Diamond Lane." Didion, a sometime screenwriter, gives a wonderful insider's analysis of Hollywood as "the last extant stable society." She dismisses the women's movement with some hauteur: "To those of us who remain committed mainly to the exploration of moral distinctions and ambiguities, the feminist analysis may have seemed a particularly narrow and cracked determinism." The article is, among other things, very funny, and a pure expression of Didion's contempt for cant.

The woman Didion seems most to admire is the painter Georgia O'Keeffe. *Style is character*, the author pronounces in italics. She then describes O'Keeffe in terms that sound like her ambitions for her own character: "She is simply hard, a straight shooter, a woman clean of received wisdom and open to what she sees."

—Lance Morrow

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Books



Saul Friedlander

Bitter Roots

WHEN MEMORY COMES
by Saul Friedlander
Farrar, Straus & Giroux;
186 pages; \$9.95

Still they come, the recollections of Jews caught in Europe during World War II, and still the genocide the authors try to describe is not fully understandable. We know about the Teutonic strain of extreme self-righteousness, Germany's economic chaos between the wars and about the ideology that found a target for this bitterness in the Jews. We have Hannah Arendt's concept of the banality of evil, which suggests how good citizens, following orders given by other good citizens who were also following orders, could have run the death camps. We know in great detail how the rounding up and the killing were done.

This is incomplete knowledge because it is only rational. We hold back from the leap of despair that would let us see that human society always carries within it the capacity to commit such butcheries and think well of itself. Yet as World War II recedes into the past, the death camps have become part of the common memory of those who were neither victims nor executioners, but who share uncomfortably the humanity of each.

The memoir that stirs these thoughts is muted in its anguish. The author, Saul Friedlander, 46, now an Israeli historian, was a child of seven in Czechoslovakia at the outset of the war. His parents were nonpracticing Jews, and the religion that Pavel, as he was called, knew most about as a boy was the Roman Catholicism of his beloved governess Vlasta. It was this happenstance, perhaps, that made it possible for him to endure the enormous change in his life that occurred when he was ten. The family fled to France in 1939, but by the summer of 1942 they

The New Illustrated Columbia Encyclopedia

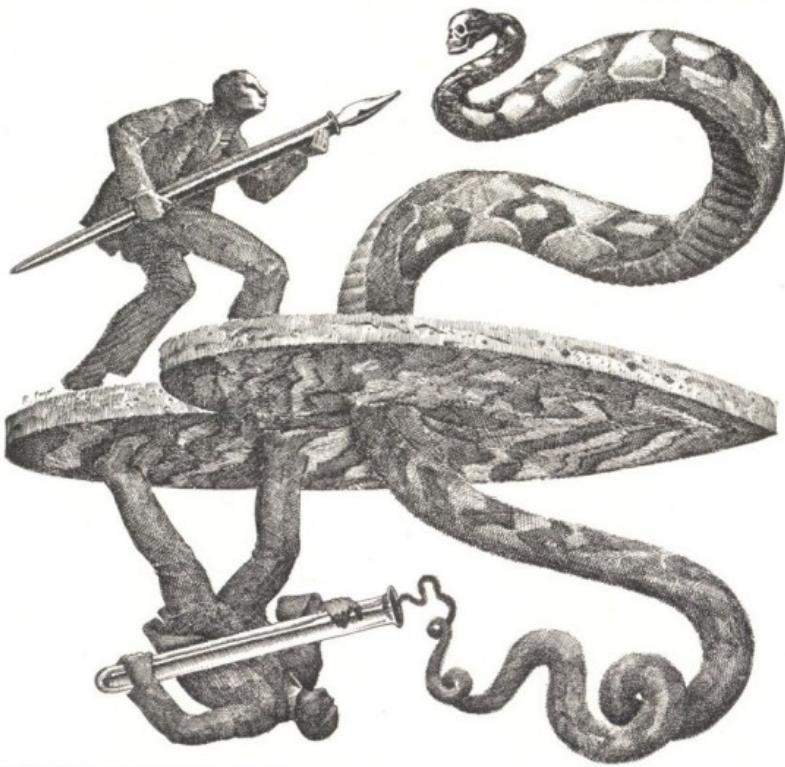
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NIAGARA FALLS, New York—Almost three years ago, the Niagara Gazette, a Gannett newspaper, broke the story of Love Canal.

An environmental time bomb had been ticking in that Upper New York State community, and nobody was doing anything about it—until David Pollak, education editor of the Niagara Gazette, got a telephone tip.

The caller told of dangerous chemicals being dumped years before in a site where homes and a school were now

standing. The caller was worried about the people living there.

The Gazette investigated and found strange things all along Love Canal.

Pungent odors in the school. Murky substances oozing into cellar basements. Flowers not blooming. Pregnant women afraid for their unborn children.

A major environmental disaster that was seriously threatening the health of hundreds of families had been uncovered.

That was in 1976. Now, almost three years and hundreds of Niagara Gazette stories later, the time bomb is being defused.

The federal government and the state have acted to help the people of Love Canal.

Over 300 families have been evacuated. The canal is being cleaned up. And new legislation gives property tax relief to families living nearby.

The Niagara Gazette and its professionals uncovered the story long before it became national news, and stayed with it long after national attention started

to fade, because it was and still is a vital community issue.

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Books

knew, as his mother wrote in a letter that has survived, that "we can no longer exist legally . . ." Before the parents were seized and shipped off to their deaths, they managed to have their son accepted in a Roman Catholic boarding school at Montluçon as "Paul-Henri Ferland," a Catholic orphan.

The political atmosphere surrounding the school was pro-Vichy and of course anti-Semitic. Young Pavel-Paul-Henri languished, sickened and nearly died, but in the end survived, in masquerade that became a reality. He found in the Virgin a kind of substitute for his mother, he says, and became a wholehearted convert.

Only after the war did the boy learn what it had meant, in those years, to be a Jew. His allegiance shifted away from the Catholic Church to a belief in Zionism. In 1948, lying about his age, he boarded an Irgun ship at Marseille and sailed for the newly proclaimed state of Israel. There he took the Hebrew name Shaul, became a scholar and eventually wrote a study of the troubling question of the Roman Catholic Church during World War II, *Pius XII and the Third Reich*.

The passionate Zionism of Friedländer's youth has become the sometimes uneasy commitment of a citizen not always sure that his country is taking the right course. He sees his own past not as that of a victim but as that of someone who took part in the bitterness of humanity. He recalls being bullied in France by Jewish children who did not think that he acted Jewish enough. Later he sneered at Judaism with the rest of his Catholic classmates at Montluçon. He wonders whether "the Jewish state may perhaps be only a step on the way of a people whose particular destiny has come to symbolize the endless quest—ever hesitant, ever begun anew—of all mankind." His memoir is a work of eloquence and compassion.

—John Skow



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written at marathon length. One would be wrong. For those who have not been rendered glassy-eyed by *The Complete Book of Running*, fuzzy-brained by *Running and Being* or stupefied by indistinguishable issues of *Runner's World*, there is a whole new crop of books on running and walking. All amply demonstrate that whatever exercise does for the heart and lungs, it does little for literary skills.

The Traveling Runner's Guide (Dutton; \$5.95) is a rather straightforward listing of safe, scenic places to run in 21 cities around the country and may, for the dedicated, be worth carrying along on a business trip. *The Runner's Guide to the U.S.A.* (Summit; \$12.95 hard-cover, \$6.95 paper) offers information on some 200 distance races, from four miles on up, with evaluations of the courses, the facilities available and the prizes awarded finishers. *Target 26* (Collier; \$4.95) provides some practical advice for anyone interested in marathons. The book is written in the same style as FM 22-5, the Army field manual that explains, among other things, how to turn left while marching. In addition, *Target 26* trudges far too long through the minutiae of long-distance running. The authors remind readers unnecessarily that runners' "arms should move in a pendulum fashion, bending at the elbows with a smooth rhythm that matches the

cadence of the stride," or, after an overlong section on diet, conclude that foods that tend to make runners sick should be avoided before races. The two walking books, both titled *The Complete Book of Walking* (Simon & Schuster; \$10, and Farnsworth; \$9.95), have been padded out with chapters explaining such obvious things as the need to wear well-fitted shoes or to pay attention to traffic while walking along highways.

Less instructive but more inspirational is Jim Lilliefor's *Total Running* (Morrow; \$7.95), an examination of the "mental and spiritual side of running" that contains such lines as "running as spiritualism is the lifting from your shoulders of an insoluble puzzle." *On the Run*, by Marty Liquori and Skip Myslenski (Morrow; \$9.95), shows the great miler and distance runner to be as dedicated and self-critical as every top athlete must be. But Liquori is more instructive on television. *Running Back*, by Steve Heidenreich and Dave Dorr (Hawthorn; \$11.95), is nondramatic; it describes how Heidenreich slogged his way back to health after an auto accident in 1976 nearly killed him.

Writing about running seems to be as addictive as the activity itself. Even as we gasp, publishers are readying even newer jogging books. It is time for the reader to put his foot down.

—Peter Stoler

Jotters' World

Publishers on a long-distance relay

Next to listening to someone describing his most recent operation, perhaps nothing is more boring than hearing a runner discuss 1) his daily mileage, 2) the differences between Adidas running shoes and Nikes, 3) the arcana of training diets and carbohydrate loading or 4) all of the above. Unless, of course, it is reading books written by runners, some of whom seem convinced that something as simple as placing one foot in front of the other for a few miles a day really requires some metaphysical—as opposed to metatarsal—underpinnings.

One who has read Dr. Kenneth Cooper's books on aerobics would assume that everything about the subjects of running and conditioning has already been

Living

Thumbs Up for the U.S.A.

Some French tourists visit America and signal approval, mostly

Once upon a time, Americanus tourists roamed the world freely, leaving its green-paper tracks everywhere, while its own habitat remained a preserve too costly for the world's other species to visit. Today, with their currencies stronger in relationship to the dollar, more and more foreigners are taking the grand tour of the U.S. In 1960, only some 800,000 came to visit; in 1979, nearly 6.5 million visitors are expected. TIME Contributor Jane O'Reilly accompanied a group of French tourists and wrote this account of the journey:

They came—19 people from all over France and their tour leader Françoise Simonin, 30—because, simply, this is the U.S.: a part of their cultural consciousness, a place they felt they already knew well through movies, television and popular music. Well-traveled but speaking little English, the group had paid 10,400 francs each (\$2,400) to tour all the sights the French insist on seeing: New York City, Niagara Falls, San Francisco, Los Angeles, the Grand Canyon, Las Vegas, New Orleans, Disney World in Orlando, and Washington, D.C.

Fourteen days and 13 plane trips later, they would pronounce their experiences "Ça vaut le voyage"—It's worth the trip. Wearing Western string ties, tractor caps, Grand Canyon sweat shirts, Navajo necklaces and Mickey Mouse T-shirts, they would flourish a Gallic gesture: thumbs up for the U.S.

New York: Excitement is tinged by anxiety on the bus from J.F.K. International Airport into Manhattan. The guide warns them that tips are not included on the bill in the U.S. and cautions against going to Central Park at night. Sunday morning the group boards the first of its many private buses and heads for the Cathedral of Saint John the Divine. Bewildered but obliging, the visitors from the land that created Gothic cathedrals troop up the aisle, assured that this is the biggest Gothic cathedral in the world.

Cutting across 125th Street for the *de rigueur* sight of Harlem, the elderly, enthusiastic bus guide warns them mysteriously not to take pictures from the window. "Is Harlem better or worse than you expected?" he asks. "Better!" Later the visitors

disperse to collect impressions of Manhattan on their own. Marc Horber, a kitchenware manufacturer's representative from Nancy, and his son Eric, 17, walk through Chinatown and Little Italy. Father finds the city "a grand beast," but to his son, "It is very different from France, everyone living in his own territory, very dirty, but full of life."

Georges Bonnemaison, a sportswriter and jazz critic for the Toulouse paper *Dépêche du Midi*, and his wife Régine venture into Central Park. Apparently expecting the tranquility of Paris' Luxembourg Gardens, they confront instead bongo drums, tape decks, roller skaters, family picnics and baseball games. "*Trop décontracté*," says Mme. Bonnemaison, disgusted. Too relaxed. "Everyone does just what he wants!" New York is an interesting place to visit, but although they are amazed to find people actually living there, obviously it is impossible. Mixed reviews, thumbs waggle.

Niagara Falls: Monday morning. "The falls are an *idée fixe* with the French," ex-

plains Tour Leader Simonin, who speaks English. But the falls cannot compete with the roar of the souvenir area. Lost among the neon pillows and vulgar posters, Jeanne Saunier, a chemistry teacher, and her husband Claude, director of a Hoechst chemical factory in Cuise-la-Motte, sigh: "Always so ugly, just as in France." All agree: "Too commercial. A big disappointment." Thumbs down.

San Francisco: Arriving Tuesday evening, the weather cold and wet, the French fall in love. Wednesday's bus tour moves from delight to delight: Sausalito, Muir Woods, the bridges. Michèle Soor, a schoolteacher, and her husband Jacques, an accountant, from outside Paris, approve: "The coast, the views, the style of life, of construction, the animation. We will come back." Definitely, thumbs up.

Los Angeles: Thursday morning's bus tour is a *désastre*. The guide points out a parking lot with special sections for employees and employers. The sociology of Hollywood parking lots is perhaps a subtlety of American life only Joan Didion could properly analyze. Without such insight, the French are entirely perplexed, find Los Angeles "flat" and "uninteresting." Only the Isolas, whose 16-year-old daughter is staying with a family in the San Fernando Valley (Los Angeles and RAVENSBURGER Bordeaux are twinned cities—*jumelles*)—and arrange such friendly exchanges) are sorry to leave at 4 a.m. for the Grand Canyon. Thumbs down for L.A.

Grand Canyon: The travelers arrive in a Scenic Airlines' plane that is equipped with French, English, German and Japanese tapes. The canyon, under rare clouds, is a phantom of itself, but even so, it is wondrous.

At the El Tovar Hotel, a 1905 rustic masterpiece, members of the group wander through the corridors, searching for their rooms—yet another hotel without a French-speaking person on the staff. Although 20% of the visitors are now foreign, Amfac Inc., which runs the Grand Canyon National Park Lodges, has put up only some signs in Japanese. Still, thumbs up.

Las Vegas: Entering the hotel lobby is like being inside a pinball machine. All gasp at an enormously fat woman, in stretch pants and halter, playing an equally enormous slot machine. "American women seem to pay no attention to their appearance," worries Mme. Saunier. "Perhaps they don't care because no one looks at each other."

Only extreme astonishment



The French pose in front of Cinderella's Castle at Disney World
In two weeks they saw what they came to see: the myths of America.

Living

KAREN KUEHN



Members of the tour admire and photograph the splendor of the Grand Canyon

But the lodge had no French-speaking staff, and only a few signs—in Japanese.

provokes such comments. Twenty-five years ago, Americans boisterously complained through Europe, but this French group remains polite, even blasé, avoiding giving offense, even to each other. Americans wear name tags and take down addresses for the Christmas card list. But the French, by the end of the trip, do not even know the names of all the others in the group.

In Las Vegas, they patiently wait three hours for their rooms, stoically eat soggy, hot roast beef sandwiches, hesitantly try to understand the casinos and play roulette discreetly. Bonnie Johnson, a cashier at the Marina Hotel casino, supplies "gaming guides" in English. M. Saunier has been puzzling out the messages Americans wear. IN TRAINING TO SERVE YOU BETTER announces a waitress's tag. An elevator placard proclaims MENU ITEMS THAT COVER THE ENTIRE SPECTRUM OF FOOD ENJOYMENT. He sighs: "It is the same in France, debasement of the language, the fault of T.V."

Still polite, the French stand in line with nearly 500 other people holding reserved places for the Flamingo Hilton's dinner show. The show is a surprise: a chorus of seminude women dressed primarily in false eyelashes and feathers—on skates. "But well done" is the tolerant judgment. As an experience to be checked off life's list, thumbs up for Las Vegas.

New Orleans: Great excitement. Everyone expects to hear much French. A two-hour wait for the bus at the airport is forgotten in the Vieux Carré. The Monteleone Hotel concierge speaks French (a first). M. Bonnemaison steers the group to Preservation Hall, for these people a shrine, not an "attraction." Jazz is "the music that went around the world." Monday morning, the guide, speaking French, directs them to a Lake Forest shopping center ("C'est énorme") for ten-

nis racquets, blue jeans and—always, everywhere—records: pop, jazz, classical.

But they have not yet heard enough French, in New Orleans or elsewhere. Because no one seems to speak their language, they conclude no one likes the French. The occasional contacts with the natives have been discouraging—Americans seem to think the French are speaking Spanish. "Frankly, honey, I can't tell the difference," says one woman to them. Still, thumbs up for New Orleans.

Orlando: At Kennedy Space Center, no one speaks French "at the moment," but the bus has a French tape, and the message inside simulated Apollo launch is unmistakable—rockets and the American flag. A supermarket turns out to be "just like in France," they say. Mme. Saunier muses: "I am astonished by how little advanced American women are." The men laugh and refer to Rosalynn Carter, "who runs the country now."

At Disney World, everyone has exactly the wonderful time he expected. Mme. Isola admires the arrangements for children—diaper-changing tables, and strollers—but wonders, "Why don't Americans like dogs? They are not allowed in restaurants." They also wonder at what appears to be the rigidity of American amusement park life. "Everybody slide ALL the way down," urges the young attendant to those sitting in the middle of the benches at the Country Bear Jamboree show. Spirits rebelling, the French refuse to move down. "This regulation could not exist in France," they insist.

Another bus to another airport. "But where do people live?" they ask. The question of where and how people live must wait for another, less encapsulated trip. Orlando rates thumbs up.

Washington, D.C.: Friday morning, only a three-hour bus tour before catching another plane to New York for the flight home. The Capitol is astonishing, unexpected, so like Paris. They are not very clear on the differences between the White House and the Capitol, but they admire Nixon—a French taste. At the Kennedy grave, M. Rousseau says: "We are very moved. Many of us cried when he died." On the Mall, they say: "Ah yes, we know this very well, from television during the demonstrations."

Touched by Washington, exhausted and "full up" from the trip they had chosen "in order to get a little taste of everything," they are satisfied with what they admit has been "an artificial impression." They have no greater sense of the people, the problems, even the landscape of the U.S. But they have seen exactly what they came to see: the myths.

There is one very big surprise. Americans, black and white, contrary to everything the French believed, live and work together harmoniously.

And they have one last question: Why did the soap in the hotels float?



On the last stop, the French visit the grave of President John F. Kennedy
"We are very moved," said one. "Many of us cried when he died."



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